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REPORT

OF THE

SIXTEENTH ANNUAL MEETING

OF THE

LAKE MOHONK CONFERENCE

ON

INTERNATIONAL ARBITRATION

MAY 18th, 19th AND 20th

1910

REPORTED BY MISS LILIAN D. POWERS

EDITED BY THE PERMANENT SECRETARY

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1910



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ALBERT K. SMILEY

DANIEL SMILEY

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Mohonk Lake, N. Y.

THE SIXTEENTH ANNUAL MEETING, MAY 18-20, 1910

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(Appointed in 1909 to consider the advisability of a national body
the purpose of which would be to coördinate the work of the arbitration
and peace societies of the United States. For the first report of the
committee see page 196 of this volume.—ED.)

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(Appointed in 1902 to enlist the cooperation of the leading chambers of commerce, boards of trade, etc., of the United States and Canada. For latest report of the committee, see pages 145-154 of this volume.—ED.)

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(Appointed in 1905 to bring before the colleges and universities of the United States the importance of acquainting all undergraduates with the history of international arbitration. For the latest report of this work see pages 136-143 of this volume.—ED.)

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(For the resolution under which this committee was appointed in 1910, see page 10 of this volume.—ED.)

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DR. GEORGE W. KIRCHWEY, New York

COMMITTEE TO CONSIDER CELEBRATION OF A CENTURY OF PEACE BETWEEN THE UNITED STATES AND CANADA

(Partial List)

(Appointed in 1910 under resolution for which see page 10 of this volume. At the time of going to press, appointments had not been completed, nor had acceptances been received from all the appointees named.—ED.)

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PREFACE

The Lake Mohonk Conference on International Arbitration was founded in 1895 for the purpose of creating and directing public sentiment in favor of international arbitration, arbitration treaties and an international court. To this end it works through annual and representative assemblies, the members of each being entertained by Mr. Albert K. Smiley at his summer home at Mohonk Lake, about one hundred miles from New York City. In addition, Mr. Smiley and his brother, Mr. Daniel Smiley, maintain a permanent office through which not only are the annual meetings arranged, but a continuous propaganda is carried on among business organizations, colleges and universities, "Correspondents," and interested individuals.

The Sixteenth Annual Meeting of the Conference was held in the parlor of the Lake Mohonk Mountain House, May 18th, 19th and 20th, 1910, with more than three hundred persons in attendance. Six sessions were held, the proceedings of which—consisting of discussions of the present status of international arbitration, of an international court, of the education of public opinion, of work in colleges and universities and among business men, and of other allied subjects—are given, nearly in full, in this report.

The chief emphasis of the meeting was on the importance of the early establishment of the International Court of Arbitral Justice. Pages 67 to 96 contain valuable papers on that subject; the text of the Hague Draft Convention proposing the court is printed as Appendix D; and an important announcement by Secretary of State Knox may be found on pages 9 and 75.

The meeting was also noteworthy for its evidences of a spirit of coöperation among the many societies represented. The report of the committee appointed in 1909 (see page 196), and the meeting of Secretaries (Appendix B) are two of many indications of progress in this direction.

While this report is primarily of the proceedings of the annual meeting, it includes indirectly some account of the work of the permanent office of the Conference, particularly in the remarks of Mr. Smiley (pages 13-15), the reports of Committees on Business Organizations (page 145) and on Colleges (page 136), and the list of Correspondents (page 207).

The management of the Conference, while providing opportunity for free discussion of matters not foreign to the purpose of the meeting, assumes no responsibility for individual opinions printed herein.

One copy of this report is sent to each member or official Correspondent of the Conference, and several thousand copies are mailed to individuals in public and private life, to libraries and to other institutions. Distribution of reports is gratuitous to the limit of the edition, and libraries and public institutions can obtain back numbers without charge except for transportation. Applications for reports, and other correspondence, should be addressed to the Secretary of the Conference.

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PLATFORM

OF THE

SIXTEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION, 1910

(The platform is the official utterance of the Conference and embodies only those principles on which the members unanimously agreed.—ED.)

The Sixteenth Annual Lake Mohonk Conference on International Arbitration congratulates the people of the United States on the marked progress which the past year has witnessed in the age-long struggle for the substitution of the reign of law for the reign of force in international affairs. It notes with deep satisfaction the significant announcement of the Secretary of State* that the proposed constitution of the International Court of Arbitral Justice recommended to the powers in his identic circular note of October 18, 1909, has been received with so much favor as to insure the establishment of such a court in the near future, and it pledges to the President and the Secretary of State the hearty support of the Conference and invokes the co-operation of men of good will everywhere in bringing this beneficent result to pass.

The Conference has further noted with profound interest and satisfaction President Taft's recent declaration† in favor of the submission to arbitration of all matters of difference between nations without reservation of questions deemed to affect the national honor, and the Conference expresses the earnest hope that the President and the Senate of the United States will give effect to this wise and far-seeing declaration by entering upon the negotiation of general treaties of arbitration of this character at the earliest practicable moment.

The Conference reaffirms its declaration of last year respecting the portentous growth of the military and naval establishments of the great powers and calls renewed attention to the fact that the rapid development of the instrumentalities of law and justice for the settlement of international differences furnishes to the statesmanship of the civilized world

* Pages 9, 75.

† Page 95.

the long desired opportunity of limiting by agreement the further increase of armaments. The coming celebration of the one-hundredth anniversary of the arrangement† between Great Britain and the United States definitely limiting the naval force on the Great Lakes and the St. Lawrence to four hundred tons and four eighteen-pounders calls renewed attention to the continued menace to the peace of the world caused by the prevailing conditions and emphasizes the fact, so well expressed by former President Roosevelt in his Christiania address, that with "sincerity of purpose, the great powers of the world should find no insurmountable difficulty in reaching an agreement which would put an end to the present costly and growing extravagance of expenditure on naval armaments."

OFFICIAL MESSAGE FROM
HON. PHILANDER C. KNOX, Secretary of State
 REGARDING THE
INTERNATIONAL COURT OF ARBITRAL JUSTICE

The reception by the nations of Secretary Knox's identic circular note of October 18, 1909, suggesting a plan for the establishment of a permanent international court of arbitral justice, had been the subject of much conjecture. The Secretary of State honored the Lake Mohonk Conference by making it the occasion of the first public announcement on this point. In concluding his address (pages 67-75), Hon. James Brown Scott, Solicitor for the Department of State, said:

"The Secretary of State, the Hon. Philander C. Knox, authorizes and directs me to say officially that the responses to the identic circular note have been so favorable and manifest such a willingness and desire on the part of the leading nations to constitute a court of arbitral justice, that he believes a truly permanent court of arbitral justice, composed of judges acting under a sense of judicial responsibility, representing the various judicial systems of the world and capable of insuring the continuity of arbitral jurisprudence, will be established in the immediate future and that the Third Peace Conference will find it in successful operation at The Hague."

† Page 109.

SUPPLEMENTARY RESOLUTIONS UNANIMOUSLY ADOPTED BY THE CONFERENCE

(For committees appointed under the provisions of the first two of the following resolutions, see page 3.—ED.)

Resolved, That a committee be appointed to consider the best method of properly celebrating the completion of one hundred years of peace between the two English-speaking peoples of the Western Hemisphere; that such committee have power to add to its number and to co-operate with other committees appointed for the same purpose in this country and Great Britain and the Dominion of Canada; that it report at the next Conference.

Resolved, That a committee of three lawyers, with power to add to their number, be appointed by the chair, to report to this conference in 1911, as to the best method of carrying into effect the recommendation of successive Presidents of the United States that the United States Government be vested with the power to execute through appropriate action in the Federal Courts its treaty obligations, and, generally, to furnish adequate protection to alien residents in the United States.

The Lake Mohonk Conference on International Arbitration having listened with deep interest and sympathy to the report of the effort in the churches of Great Britain and Germany to promote good understanding and friendship between the peoples of those two countries, urges the American churches to more earnest and active co-operation with those bodies and with awakened religious men in all nations in the broader work of dispelling everywhere international prejudices, jealousies and arrogance and of strengthening international reason and good will.

THE SIXTEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

First Session

Wednesday Morning, May 18, 1910

The Sixteenth Annual Lake Mohonk Conference on International Arbitration met in the parlor of the Lake Mohonk House, Mohonk Lake, N. Y., on the 18th of May, 1910, at ten o'clock in the morning. About three hundred persons were present as the personal guests of Mr. Albert K. Smiley, who, in welcoming them, said:

OPENING REMARKS OF MR. ALBERT K. SMILEY

The sixteenth annual Lake Mohonk Conference on International Arbitration will please come to order.

No event of the year affords me so much pleasure as the opportunity to welcome a distinguished body of men and women gathered in the interest of international arbitration; and at no time since the Conference was started in 1895 have I felt so hopeful of the final success of the cause that has brought you here. The growth of international understanding and good will during the past few years has been marvelous, and future progress bids fair to be even more remarkable. Each year sees some new agency for promoting international friendship or some new scientific wonder to facilitate international communication; and with each new institution or discovery comes an advance toward an international public opinion, already strong enough to make it exceedingly difficult for a nation to pursue any course prejudicial to the interests of another. We no longer fear that war will result from any of scores of questions that have precipitated past conflicts; only questions of the most grave nature are now reserved from peaceful settlement. Our opportunity and duty is to so improve the machinery of arbitration that, in the light of an ever-broadening public opinion, it will come to be considered a safe and adequate method of adjusting most if not all differences that may arise between nations.

To my mind, we are soon to take the greatest step in that direction—the establishment of an international court of justice.

If the plan of the second Hague Conference can be carried to completion, so that we will have a court with regular and connected sessions, composed of permanent judges who will command the respect of the world—and no nation would appoint to such a court a judge who would not command that respect—the court itself, with no power to compel resort to it and no enforcing authority other than public opinion, will, in my judgment, immediately attract all but the most grave disputes and, as it becomes better known, will gain the confidence of the nations to such an extent as to make almost negligible the chances of any great war. Then there may come an international federation with common laws and branches of government; but with that we have not for the present to deal except as an ideal which may, indeed, be realized years before any of us think its accomplishment possible. For the present, I believe we should work for the court as the great thing, without concerning ourselves with the question of force to compel submission or enforce decisions. Public opinion will attend to that. The establishment and success of the court will, in turn, have the effect of gradually lessening armaments as it proves itself a substitute of recognized efficiency. As I have often said here, while I deeply deplore the burden of armaments and would heartily welcome action to lighten it, I see little hope of substantial progress in that direction except through the establishment and operation of a court. I welcome, therefore, the initiative of the United States, through Secretary Knox, in making overtures to the other nations for consideration of this question; and I most sincerely hope it will prove possible either before or at the third Hague Conference for all nations to unite in some plan for the appointment of judges. We are to have here to-morrow morning a thorough discussion of the whole question and I fully believe it will do much to educate the public to the importance of the matter.

Some of you were here at our early meetings. To others, it may be of interest that in 1896 and for three successive years the platforms adopted by the Conference emphatically urged the establishment of an international court—largely because of the prophetic insight and personal influence of that great man whose loss we all deplore—Dr. Edward Everett Hale. From the first session of the first conference, Dr. Hale, to use his own words, “hammered” at this particular subject as the important one, and the extended discussion of a court at those early meetings is in itself a tribute to his power to sway a body of men few of whom considered his idea practical,—for this was before the first Hague Conference was probably even thought of as a possibility. Now that a new court is proposed to supplement the Hague Court created by that Conference, it

is fitting that Mohonk should again direct its energies along the line so clearly indicated in those early meetings.

It seems to me, too, that work for public opinion in behalf of such a court offers a great opportunity for coöperation between the different peace and arbitration societies and conferences; for while they may differ on some points, there can be no question as to the desirability of a court. I am glad to see that the societies are coöperating more and more, and are laying less stress upon the principles wherein they differ. Here at Mohonk we plan to invite to our meetings representatives of societies of differing views. I wish each organization working for peace would adopt a course of frank coöperation with all others, uniting in support of common principles and minimizing their differences. Each may very properly retain its individuality and determine its methods of work while at the same time earnestly laboring to advance the interests and make more effective the work of its associates. The rapidly growing number of societies makes the matter an important one, and it is to be hoped that the committee appointed at our last meeting to consider the matter of a National Peace Council will be able to bring about practical results.

I have said that in our meetings we try to emphasize this idea of coöperation. We are doing it still more in that part of our work apart from the meetings. Every package of literature that leaves our office contains matter descriptive of most of the leading peace and arbitration societies—of all whose publications we are able to secure—besides references to published sources of information. The work of such organizations as the American Peace Society and its branches, the American Association for International Conciliation, the American Society of International Law, the New York Peace Society, the Pennsylvania Arbitration and Peace Society and the more recent International School of Peace and the American Society for the Judicial Settlement of International Disputes and others is brought to the attention of nearly all our correspondents. In return, we profit much by the cordial coöperation of these organizations.

I think perhaps comparatively few of those present are fully aware of the extent of our work between conferences. In 1902 we opened an office which for the last seven years has been in charge of our very able permanent secretary, Mr. H. C. Phillips. Besides the arrangement of our annual meetings and the editing and distributing of our annual reports, we carry on a continual correspondence throughout the year, sending out an average of 350 personal letters, 400 circular letters and 3,000 pieces of other circular matter monthly. Our work just now is mainly along three lines—the colleges, the business organiza-

tions, and a general body of Correspondents. Most of you already know that within a few years more than two hundred colleges and universities have recognized the importance of, and are annually providing one or more special occasions to bring before their students, the facts of the arbitration and peace movement. In this work we have been much aided in the Middle West by the Intercollegiate Peace Association. The results are highly encouraging, but must be left for the report on that subject at a later session. Similarly, the report of our Committee on Business Organizations, coupled with the presence here of delegates from more than forty chambers of commerce and boards of trade, will later bring out the practical results of the work being done in and through business organizations. We are also enrolling a body of official Correspondents, representing all parts of the country, who may be counted on for active coöperation in their respective communities. They number between three and four hundred and are, in the main, picked men and women, many of them prominent, and all ready to work for the cause without promise of reward. The list is rapidly growing and I question whether the work of these Correspondents is often surpassed by that of an equal number of regularly enrolled members of any peace society. Their interest and activity is wonderfully gratifying.

All the correspondence incident to the work in these branches is done by our permanent office which, in addition, edits and distributes our annual reports, issues occasional press articles, bulletins for the information of Correspondents, and such documents as may be needed to conduct the general work. For the past two years we have also given wide publicity to the prize donated by Mr. C. D. Pugsley and offered in the name of the Conference for the best essay on international arbitration by a college student.

In addition to these special lines of work much general correspondence passes through the office, requests for information and literature being answered daily. There has gradually been built up a system of card lists through which we are almost constantly in touch with nearly 2,000 interested individuals and institutions, while some 2,500 others are frequently reached by letters and documents, and 6,000 more by annual reports.

These facts are not submitted in a boastful spirit. The work will seem, and is, small in comparison with that of many societies here represented. We merely wish you to feel assured that the impetus you give the movement by being present at this meeting will not be lost by lack of attention during the balance of the year, and that our office is permanently and actively engaged in the formation of public sentiment upon this great question. I hope each of you will try to keep in touch

with us and, as an individual, use your best efforts to interest others in your community. (Applause.)

I have said we should work for an international court; and I feel so deeply its importance that I want to say it again. I firmly believe that before the third Hague Conference, so wide a feeling can be aroused that, coupled with the demands for relief from the crushing burdens of armaments, it will drive the nations to a keen friendly rivalry in presenting to the Preliminary Committee of that Conference their plans for the establishment of the court, and that they will urge its consideration as the subject of first importance. We ought—every one of us—to *work* for that; and I cannot believe that public opinion will then allow a delegate to The Hague to oppose any reasonable plan of appointing judges. It is my great hope to see a court of the highest character established at The Hague. Would that my life might be spared long enough to witness this greatest of all world events. (Applause.)

We are exceedingly fortunate in having for our presiding officer a gentleman who has twice filled that position to the delight of all who have attended the meetings. All of you know him as the head of that great educational institution—Columbia University—and most of you know him also as a quiet but powerful worker for the peace of the world. As the President of the American Branch of the Association for International Conciliation, he holds one of the foremost positions in the arbitration and peace movement of to-day. I have great pleasure in presenting as President of the Conference PRESIDENT NICHOLAS MURRAY BUTLER. (Applause.)

President Butler took the chair amid great applause and delivered the following opening address:

OPENING ADDRESS OF PRESIDENT NICHOLAS MURRAY BUTLER

I appreciate the distinguished honor and the privilege of being asked once more to take the chair of this unique and highly powerful organ of public opinion. I think I may take a moment to say on my own behalf, and on yours, to Mr. Smiley how earnestly and affectionately we echo the hope that he may, from his home at Lake Mohonk, witness the establishment of a great international court (applause) for which he has labored so long and so earnestly and toward the organization of which he has made contributions much more powerful than the world yet understands or recognizes. (Applause.)

May I take one moment more, in your name, to welcome to this Conference the distinguished persons who have come from great distances and from other countries to bear their part

in it—in particular the Very Reverend, the Dean of Worcester, the Minister of Labor of the Dominion of Canada, the Mayor of Halifax and others who have laid down their daily round of duty to counsel here with us for the promotion of international comity and good will? (Applause.) And I cannot refrain from adding a word of welcome and appreciation to those gallant representatives of the Army and the Navy of the United States, who, knowing well the horrors of carnage and war, come eagerly and gladly here to hasten the day when it will be impossible! (Applause.)

No well-informed observer is likely to deny that the cause which this Conference is assembled to promote has made important progress during the past year. The several striking incidents which mark that progress—including, in particular, the identic circular note of Secretary Knox bearing date October 18, 1909, proposing the investment of the International Prize Court with the functions of a court of arbitral justice, and the hearty approval which the proposal has met; the public declaration of President Taft, made in New York on March 22, 1910, that there are no questions involving the honor or the interests of a civilized nation which it may not with propriety submit to judicial determination; the action of Congress in making an appropriation for the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, thus committing the United States Government officially to that admirable undertaking; and, finally, the forthcoming submission to the arbitral tribunal at The Hague of the century-old controversy between Great Britain and the United States as to the Newfoundland fisheries—all these will be fully recounted here in the course of our present meeting. To those who are impatient for the attainment of our ideal we can only say that progress toward it is steadily making and that the chief forces now at work in the world, political, economic and ethical, are coöperating with us to bring about its attainment. To those who fear that we may make progress too fast and that some measure of national security will be sacrificed in pushing forward to establish international justice, we can only say that justice is itself the one real and continuing ground of security for both men and nations, and that heretofore in the history of mankind the devil has always been able to take care of his own cause without the necessary aid and comfort of the forces in the world that are aiming at the overthrow of the rule of any power but right.

The chief danger that we practical persons run in our endeavor to accomplish a practical end in a practical way against the opposition of the dreams and illusions of theorists who, groping as in a fog, assume that mankind must be forever ruled by brute force and cruelty and lust for power and for gain, is that

we may fail to recognize that the cause of international justice rests upon and is part of a complete philosophy of life. It cannot be advocated or conceived as something that stands apart from and in no relation to our modes of thinking and acting, whether as individuals or as nations, in respect to all interests and to all problems. To some it may appear to make our task more difficult, to others it may seem to make it more easy, when we say that this task is nothing less than part and parcel of the moral education and regeneration of mankind. To suppose that men and women into whose intellectual and moral instruction and upbuilding have gone the glories of the world's philosophy and art and poetry and religion, into whose lives have been poured for two thousand years the precepts and the inspiration of the Christian religion, over whose daily conduct have been thrown since the days of Draco and of Solon the restraints of law and of consideration for the rights and property of others—to suppose that these men and women, when gathered together in groups called nations, speaking a common language called a mother tongue and owing allegiance to a definite set of political institutions called a government, are, when matters of dispute and difficulty and doubt arise, to fly at each other's throats, to burn, to ravage, to kill, in the hope of somehow establishing thereby truth and right and justice, is to suppose the universe to be stood upon its apex, to suppose the onward sweep of human progress to be toward bestiality and bedlam, and to suppose the teachings of religion and of morals, the inspiration of poetry, of painting and of song, to be to the end that we may be made ready for new acts of valorous ferocity and carnage. Who, I pray you, are the dreamers, who are the theorists—those who appeal to the rule of justice or those who appeal to the rule of brute force? (Applause.)

Let us not be mistaken about all this. Men who are themselves preying upon the public interest from private station or from public office are not going to be the first to urge the cause of international justice. The men who cannot succeed in holding in check their own tempers, their own lusts and their own greed, are not going to cry out for the establishment of an international court of arbitration. We have set out in this undertaking—now perfectly certain of accomplishment at a date no longer remote—without the aid and comfort of those elements of the world's population. Moreover, we are not likely to gain much assistance from the cynical observer of his kind whose faith is not adequate to the entire observation of history and of men. His keen vision and quick wit see readily enough the bad and selfish side of public and of private life, and he contents himself with a jeer and a sneer at those who propose to turn that life inside out.

Some of these elements are elements of indifference, some are elements of active opposition. To those who represent the element of indifference I cheerfully accord the most powerful place among the opponents and obstacles of our program. Those who are in active opposition need not detain us long. The assumptions which are their grotesque substitutes for argument and the fallacies which they hug to their several bosoms as illustrations of perfect logic, are too easily confuted to make them dangerous. Not many men have courage enough to go through the world shouting that war is a virtue and should be actively promoted by all moral and upright men. The few who do so live in a world of sentiment and false emotions; they do not know or face the real facts. It is to the everlasting glory and honor of the world's greatest soldiers in modern times that they have always put peace above war and that they have done their best, by ability and courage and skill, to bring to a prompt end the wars in which they found themselves engaged in order that the blessings of peace might once more be spread over the land. There is no one who so appreciates the significance of the judicial settlement of international differences as the brave soldier or sailor who, at his country's command, has done his best to settle those differences by display or exercise of force. (Applause.)

There is one other type of citizen who must be mentioned, because the type is numerous, influential and important. This is the type which holds the view that, of course, international arbitration is a thing greatly to be desired; of course, we must all hope for the day when that at present distant, impracticable and wholly praiseworthy ideal shall be reached; but that, until that day—which is probably to be the Greek Kalends—we must continue to tax our great modern industrial nations, struggling as they are under the burdens of popular education and of economic and social betterment, in order that death-dealing instrumentalities may be increased and multiplied and the several nations thereby protected from invasion and attack. This procedure, so the curious argument runs, is to hasten the coming of international arbitration and to promote it. Civilized men, it appears, are to be shot or starved into agreeing to arbitrate.

This point of view requires for adequate treatment, not the arguments of a logician, but the pencil of a Tenniel or the caustic wit of a Mr. Dooley. Look at the situation in the world to-day as this type of man presents it to us. Of course, the United States is a peaceful nation; of course, Great Britain is a peaceful nation; of course, Germany and France and Japan are peaceful nations; but therefore, because they propose to attack nobody they must so strengthen their defences, so multiply their navies and increase their armies that nobody can success-

fully attack them. Who, pray, is left to attack these peaceful and law-abiding nations if, as we are assured by everybody—both leaders of governments, the moulders of public opinion and the substantially unanimous press of the world—they do not propose to attack each other, unless it be an army of white bears from the newly-discovered North Pole or a procession of elephants and camelopards from the jungles of Central Africa? The gullibility of mankind was never more conclusively demonstrated than by the widespread acceptance of this huge joke, which, unlike most other jokes, has to be paid for at a literally stupendous price. Children must go untaught, sanitary inspection and regulation must go unprovided, better workingmen's dwellings must be postponed, provisions for recreation and enlightenment must be put off, conditions accompanying labor, poverty and old age must go indefinitely without amelioration, in order that in this twentieth century men and nations, who, looking in the glass, call themselves intelligent and practical, may support, maintain and propagate this stupendous joke! Either the whole world is being deluded by a witticism of cosmic proportions or some important persons are conspiring to tell an awful lie. (Applause.)

I am one of those who look for the simplest motives in explanation of action or of conduct. My impression is that somebody makes something by reason of the huge expenditures in preparation for war. Have you ever noticed that about the time that the appropriations for military purposes are under consideration in the Congress, in the House of Commons, in the Chamber of Deputies, or in the Reichstag, or just before such a time, hostilities are always on the point of breaking out in two or three parts of the world at once? Just at these times war prophets begin to see visions and to dream dreams, and the poor, gullible people rush off to their cyclone cellars and shout timorously to their representatives to vote at once and as much as possible in order that great ships and guns and forts may be built to protect them from their fears. We have done of late some helpful and illuminating legislative inquiry in this country. It might be worth while to have the same sort of ability that has so brilliantly exposed to our repelled and astonished gaze other forms of political chicanery and graft, make some measurement of the sincerity and disinterestedness of the lively type of patriotism which accompanies these military and naval debates the world over. Is the propelling motive for them to be found in economics or in psychology? My strong impression is that while both of those admirable sciences are represented in the make-up of that propelling motive, economics is not always the less important of the two.

Patriotism is a noble and a lofty virtue, but it is worth while always to remember the sagacious observation of Dr. Johnson, which Boswell so faithfully reports. "Patriotism having become one of our topics," says Boswell, "Johnson suddenly uttered in a strong, determined tone, an apothegm at which many will start: 'Patriotism is the last refuge of a scoundrel.'" "But let it be considered," continues Boswell, "that he did not mean a real and generous love of our country, but that pretended patriotism which so many in all ages and countries have made a cloak for self-interest."*

What is needed is to leave off deluding ourselves with phrases, with shams and with false historical analogies and to look the facts as they are in the face. Not everything that we wish for will be accomplished at once or suddenly. Moral regeneration is an even slower and more difficult process than intellectual upbuilding; but custom and habit are powerful allies and the world's imagination is fast becoming accustomed to the judicial settlement of international differences. The Supreme Court of the United States, whose opinions are so often luminous with sound political philosophy, has declared that "the right to sue and defend in the courts is the alternative of force. In an organized society it is the right conservative of all other rights and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship and must be allowed by each State to the citizens of all other States to the precise extent that it is allowed to its own citizens."† In making this statement of fundamental principle, the Supreme Court had in mind the rights of individuals and the States which are bound together in our Union. But what is there in that statement of fundamental principle which may not logically, ethically and practically be applied to the rights of nations, great and small, bound together by treaties and interdependences of every kind into a great world commonwealth?

The harder we press our adversaries and critics on this point the less satisfactory do their answers become. To say that men have always, as a last resort, settled their differences and difficulties by force and that therefore they will always continue to do so, is simply silly. To say that a nation's honor must be defended by the blood of her citizens if need be, is quite meaningless, for such a nation, although profoundly right in its contention, might be defeated by superior force exerted on behalf of a wrong and unjust view. What becomes of national honor then? It would appear that a nation's honor can only be entrusted either to the operations of the established principles of justice or to a force so overwhelming that no

*Boswell's Life of Johnson (Oxford, 1906) I: 583.

†United States Reports, 207: 148.

adversary could stand against it. This is indeed the dilemma which confronts the civilized world to-day: either the judicial settlement of international differences must be accepted as a universal principle or the world must become a series of armed camps sucking up like a vampire, in vain and competitive expenditure, the very blood of the people's economic and political life. The one road leads to civilization, to international comity, to concord and to peace; the other leads back to barbarism, to discord, to contention and to war. Which will mankind choose as a permanent policy? From which vantage-point will appeal be made to the sober judgment of history? From that of justice or from that of armed force? (Applause.)

There are those, mostly philosophers of the closet sort, who could never be induced to expose themselves to the physical dangers of war, who pretend to believe that unless we have frequent and destructive wars the population of the world will not be held sufficiently in check, and that, sooner or later, the earth's spaces will be crowded by peaceful, but undesirable, persons for whose activities there is no adequate room. One may or may not be disposed to deal seriously with this contention; I am not so disposed.

There still remain those who fear that without conflict there will be no proper training-school for the sterner virtues of mankind and that courage, bravery and patriotism will atrophy unless exercised from time to time in war and conflict. A very interesting essay might be written on this topic and on the discipline and encouragement which the sterner virtues receive in the daily round of domestic, business and personal life as well as in the thousand and one acts of helpfulness and generosity and sacrifice by which the sweetest, as well as the strongest, characters in this world are made. It is hard to listen with patience to the rattling rhetoric of him who would trace back the sterner virtues to mere brute instincts and who would strive to hold them there. The teachings of religion and of morals have left quite untouched any man who can seriously suppose that without practice in the exercise of brute force there can be no strength. (Applause.)

One of the earliest questions recorded in history is the petulant query of Cain, "Am I my brother's keeper?" On the answer to this question all civilization depends. If man is not his brother's keeper, if he may slay and rob and ravage at will for his own advantage, whether that be personal or national, then civilization becomes quite impossible. It is vain to attempt to divert us by analogies drawn from the past history of the race. Mankind has been climbing upward and neither standing on a level nor going down hill. Acts, policies and events which are easily explainable and in large part defensible in other days and under

other conditions are neither explainable nor defensible now. The twentieth century cannot afford to receive its lessons in morals, whether personal or national, from the fifteenth or the sixteenth. We are our brothers' keepers and they are ours. The whole world has become a brotherhood of fellow-citizens. The barriers of language are slowly breaking down; wars of religion are almost unheard of; distance in space and time has been practically annihilated by steam and electricity; trade is as easy to-day between New York and Calcutta or between London and Hong Kong as it once was between two neighboring shops in the bazaars of Damascus on either side of the street called straight. What possible reason is there why the fundamental principles which civilization applies to the settlement of differences between individuals cannot now be applied to the settlement of differences between nations? (Applause.)

We may well take satisfaction in the contribution which our Government has made in recent years toward the progress of the movement for the judicial settlement of international differences. Hand in hand with these contributions there should go, however, the resultant refusal farther to increase and expand armaments on land and sea, and a more complete control over the provocative and annoying expressions of opinion in regard to other nations and other forms of government than our own.

Let me add a final word or two as to each of these matters. There is a broad distinction between proposals for disarmament and proposals for the limitation of armaments. When a nation like the United States, holding the views which its people profess and which its government constantly voices, has, as it now has, a navy and the nucleus of an army entirely adequate for purposes of defence, a stop should be put to the farther increase of armaments. It is urged in opposition that no nation can afford to take this step alone and that until an international agreement for the limitation of armaments is arrived at, each great nation must press forward, at whatever cost, to multiply the provisions for its armed forces. However plausible this argument may be when addressed to a European nation, it fails entirely when addressed to the United States. If the best way to resume was to resume—and we learned by experience that it was—then the best way to limit armaments is to limit them. In this policy the United States has not only nothing to lose, but everything to gain, by leading the way. It is no small satisfaction to point out that increasing support for this view is to be found in the public opinion of the country, reflected both in the debates and votes in the Congress as well as in the more influential portion of the newspaper press.

There remains the matter of what may be called petulant and teasing criticism on the platform and in the press of the acts

and policies of nations other than our own. A good many nations and peoples have, in the history of the world, assumed for themselves an attitude of superiority toward their fellows, and have shaped their beliefs and their practices accordingly. It will not be generally thought, I fancy, that the historic results of this course of conduct have been either fortunate or happy. The fair, as well as the wise, method to pursue in criticism and comment upon happenings elsewhere is to assume an intelligent purpose, a good will, and a lofty motive on the part of the foreigner, until the contrary is definitely proven. An attitude of international disdain is not becoming to statesmen, to journalists, or to private citizens. The history of civilization might be written in terms of man's progress from fear to faith. As he has ceased to fear his neighbors and as he has come to have trust in them, he has been able to build up institutions that have lasted. Just as the individual has substituted faith in his fellow man for fear of him, so nations may well divest themselves of fear in favor of faith in the other nations of the world.

The United States has done so much to educate world opinion in the past century and a half that we may well be ambitious for it to do still more. We have shown that to all appearances a federal form of government, extended over a wide area and embracing many competing and sometimes conflicting interests, is practicable, and that it can survive even the severe shock of civil war. We have shown that under the guidance of a written Constitution, judicially interpreted, there is room for national growth and expansion, for stupendous economic development, for absorption into the body politic of large numbers of foreign born, and for the preservation of civil liberty over a considerable period of time. Suppose now that during the next few decades it might be given to us to lead the way in demonstrating to the world that great sovereign nations, like federated states, may live and grow and do business together in harmony and unity, without strife or armed conflict, through the habit of submitting to judicial determination all questions of difference as they may arise, the judicial decree when made to be supported and enforced—after the fashion in which judicial decrees are everywhere supported and enforced—by intelligent public opinion and by an international and neutral police. Might we not then be justified in believing that the place of our beloved country in history was secure?

What more splendid foundation could there be upon which to build an enduring monument to the American people than their guarantee and preservation of civil liberty together with national development at home, and their leadership in establishing the world's peace together with international development all around the globe? Dare we leave anything undone to put

our own land in the place of highest honor by reason of its contribution to the establishment of the world's peace and order and happiness through the rule of justice—a rule accepted because it is just and bowed down to because it is right? What picture of glory and of honor has the advocate of brute force to offer us in exchange for this? (Applause.)

The great movement in which we are engaged is all part and parcel of a new way of life. It means that we must enter with fulness of appreciation into the activities and interests of peoples other than ourselves; that we must always and everywhere emulate the best they have to teach us and shun the worst; that we must answer in no uncertain tones that we are our brothers' keepers; and that, as with men so with nations, the path of justice, of integrity and of fair dealing is the true path of honor. Let us see to it that we Americans tread steadily in it. (Applause.)

Mr. ALBERT K. SMILEY made formal announcement of the officers of the Conference, a list of whom will be found on page 2 of this report.

Mr. ALEXANDER C. WOOD, Treasurer of the Conference, presented his report, properly audited, showing disbursements during the past year of \$2,022.14 and a balance on hand of \$251.39. He expressed the hope that voluntary contributions amounting to at least \$2,000 might be received, and called attention to the fact that funds in the Treasury are used only for printing and postage and for distribution of the annual reports and other literature authorized by the Conference or its Committees. All other expenses, Mr. Wood explained, including the salary of the permanent secretary and the maintenance of the permanent office, are borne by Mr. Smiley.

THE CHAIRMAN: We are now to have a review of the past year's progress in international arbitration by Dr. BENJAMIN F. TRUEBLOOD of Boston, Secretary of the American Peace Society, whose annual reviews have been such important features of past Conferences.

THE PRESENT STRENGTH OF THE ARBITRATION AND PEACE MOVEMENT

ADDRESS OF BENJAMIN F. TRUEBLOOD, LL.D.

We begin our Conference this morning under unusually interesting circumstances. Eleven years ago to-day the First Hague Conference met. The anniversary of that opening is being observed almost everywhere in our whole nation, in practically all of the schools and colleges, in many associations of

different kinds, and also in other countries of the world. The eighteenth of May will always hereafter be one of the most memorable days in the history of civilization.

Little which concerns our movement has happened in the international sphere the past year that is not in general known to all those gathered here. Judging superficially, one might even venture to assert that there has been little doing. It has not been a year of surprises and spectacular occurrences in our line; and without spectacles, without something about which to shout and to startle your neighbor during your morning ride into town, many persons feel quite sure that the world is not moving much. I incline to think, however, that the year has been one of large and solid gain, and that we are considerably nearer the attainment of the object of our labors, in more than a merely temporal sense, than we were a year ago.

First of all, there has been an unusual gain in public sentiment, among both private citizens and public men, in favor of the ends for which we are striving. This gain has manifested itself in circles of nearly every description, in the churches, in chambers of commerce and boards of trade, in other great organizations of business men, in the secondary and higher educational institutions, in labor organizations, women's associations, etc. Two or three examples will suffice as illustrations. The Executive Council of the Massachusetts State Board of Trade, representing nearly fifty city boards and other business organizations, recently adopted a strong minute favoring the settlement of *all* international differences by judicial methods and protesting against further increase of armaments. A similar declaration supporting strongly the Hague institutions and protesting against the further increase of the United States navy was signed by 752 clergymen of the Commonwealth of Massachusetts alone, a declaration which has never but once in the history of the Bay State been paralleled in the numerous support received from the ranks of the ministry. Throughout the nation the voice of the clergy has been outspoken on this subject as never before. Clergymen are usually supposed to be unpractical people, but that is no longer true of them as a class. At least, our New England clergymen are practical people, interested in the every-day affairs of the world. The Department of Superintendence of the National Education Association, representing the city and state superintendents of practically the entire country, at its recent meeting at Indianapolis, declared unanimously in favor of exercises in all the schools of the land of a nature to acquaint the boys and girls with the aims of the arbitration and peace movement.

Among the increasing number of utterances of public men in favor of universal and unlimited arbitration of controversies

the first place must be accorded to that of President Taft at the peace dinner given to him recently in New York. It marks a distinct and very great advance when the head of a great nation like the United States declares without reserve his belief that all controversies between nations ought to be arbitrated, including even questions involving national honor and vital interests. The President's declaration has already been widely quoted and approved, and will be re-echoed from side to side of the nation and from one end of the world to the other, and we may hope that we are at the end of the senseless plea that honor and vital interests must always be reserved from arbitration.

In his Nobel prize address at Christiania on the fifth of this month, ex-President Roosevelt went farther in the direction taken by President Taft than he had ever gone before, and this is a fact of the utmost significance. Mr. Roosevelt believed, he said, that between civilized nations effective arbitration treaties should be concluded and that these treaties might "cover almost all questions liable to arise between such nations," and that with the exception of the "very rare cases" vitally concerning the nation's honor "all other possible subjects of controversy" can be submitted to arbitration. The most striking note, however, in the ex-President's Christiania address was his assertion that "something should be done as soon as possible to check the growth of armaments, especially naval armaments, by international agreement;" and that "granted sincerity of purpose the great powers of the world should find no insurmountable difficulty in reaching an agreement which would put an end to the present costly and growing extravagance of expenditure on naval armaments." Many of us believe this word of the ex-President signifies that very soon a serious attempt will be made at an agreement for limitation, if not for reduction, of armaments.

The utterances of these two eminent men are significant not chiefly because they are declarations of their individual opinions. They are immensely valuable for that reason; but their chief significance lies in the fact that they are authoritative interpretations and expressions of the new and rapidly developing general public sentiment of the world in this direction, a public opinion to which all Presidents and other heads of government will before long bow, either cheerfully and loyally as President Taft and ex-President Roosevelt have done, or of necessity. (Applause.)

It is clear, then, that the chief advance in our cause the past year is registered in this remarkable development of public opinion which has been manifesting itself in so many places, high and low. It is upon a widespread, intelligent, conscientious and courageous public sentiment that we must rely in the last

resort for the attainment of the high ends which we are seeking. Mohonk never took a greater step than when it decided to try to bring the sentiment of the educational centres of the country, the universities and colleges, and the business centres of the country, the chambers of commerce, boards of trade, and other business men's organizations, to the support of the cause. So long as general public sentiment demands war, or is easily swept away by war scares, arbitration, Hague Court, international court of justice, parliament of the world, will be comparatively powerless institutions, even if they be solemnly and formally established. Alfred Nobel, founder of the Nobel prizes, once said that "the work of bringing about the fraternity of peoples is the final aim of the peace movement." What is the fraternity of peoples but fraternity of opinion and sentiment and effort, without which world parliament and world court are but empty terms?

As to the progress of arbitration proper, the year has not been unfruitful. New treaties of obligatory arbitration have been concluded between a few governments carrying the whole number of treaties signed within seven years up to nearly one hundred,—the actual number at the present time is, I think, ninety-five. The early treaties which were to run for five years and have already begun to expire, are being renewed one by one for another like period. I received yesterday from the Department of State the names of ten of these treaties which have already been renewed. This conclusion and renewal of arbitration treaties piece-meal, valuable as it has heretofore been, impresses forcibly the necessity of a general treaty to be signed by all the governments, covering practically all sorts of controversies, and to run at least for a long period, if not perpetually. One of the most serious mistakes of the Second Hague Conference was its failure to give the world a treaty of this sort, and it is the duty of all the friends of arbitration of every country to see that the third Conference at The Hague shall not repeat this mistake. You will remember that at the Second Hague Conference the proposal for a general arbitration treaty was brought forward by Mr. Choate and the rest of our delegation, and was supported by vote by thirty-five of the powers represented there, and was silently accepted by four others, making thirty-nine powers assenting to it. It was voted against by only five of the forty-four powers. But for the rule of unanimity governing the decisions of the Conference, we should have the general arbitration treaty to-day. The thirty-nine powers represented seven-eighths of the entire population and territory of the globe. The world has already seen enough of the immense benefits of arbitration during the century past to make it ashamed

to continue to experiment with the principle any longer in a half-hearted and fragmentary way.

It may not be out of place to mention here that the world-petition to the Third Hague Conference in favor of a general obligatory arbitration treaty, for which Miss Anna B. Eckstein of Boston, with the aid of many friends, is gathering signatures—at the present time in European countries—is meeting with very remarkable success. More than six millions of supporters, individually and in groups, have already been secured by her. Wherever she goes, even in Germany, she finds large numbers of people heartily in sympathy with arbitration in its most advanced and complete form. In Munich a few weeks ago no less than 125,000 signatures to the petition were added in three or four days, fully one-fifth of the entire population of the city. This is a very remarkable fact. Munich is a German city, and even in Germany the cause is growing so fast that I really begin to fear that that country will outdo us if we do not hurry up—I shall not be sorry if she does!

During the year a number of controversies have been referred either to the Hague Court or to private arbitrators. France and Mexico have referred a case to the King of Italy. The United States and Chile have entrusted to the arbitration of the King of England the Alsop claim, while the Orinoco Steamship Company controversy between this country and Venezuela has been referred to the Hague Court. The hearing on this case will begin in September next. The arrangements have been completed for the hearing at The Hague, beginning June first, of the Newfoundland Fisheries dispute between this country and Great Britain, the reference of which was announced here last year. This case will be the most important with which the Hague Court has ever dealt, and is surpassed in its importance in the history of arbitration only by the Geneva arbitration of the Alabama dispute. An extraordinary array of the best legal talent will appear at The Hague in behalf of the two contesting governments, led by ex-Secretary Root for the United States and the British Attorney-General, Sir William Robson, for Great Britain. The outcome of this arbitration will be looked forward to with the very keenest interest by all of us, and we shall all hope, at least all those who are here to-day, being patriots of the new and non-chauvinistic order, that the nation which is in the right will win, whether the decision be in our favor or against us. (Applause.)

It is needless to say, with all these facts before us, that arbitration has triumphed, that it is no longer an experiment. It is now the settled practice of the nations, from which they are not likely ever again to depart, in any serious way. At least

nineteen-twentieths of all the differences which now arise among the nations are sent to arbitration almost as spontaneously and naturally as disputes between citizens go to the common courts. Whether or not we get at an early date a general and unlimited treaty of obligatory arbitration or a regular International Court of Justice, in all except possibly very extreme cases disputes between the nations of whatever kind are certain henceforth to be referred to the Court at The Hague or to some other tribunal. This is the capital thing. I am afraid that some of our friends do not yet estimate it at its full value. It is of course vastly important that we steadily press for the embodiment in conventional and legal form of what has already become the almost unbroken practice of the governments, but let us not underestimate or belittle the very great attainment which has already been made, on the supposition that thereby we shall hasten the completion of the judicial system of adjusting differences which has always been the supreme object of the arbitration and peace movement.

No review of the important events of the year would be complete without a reference to the note sent by Secretary of State Knox to the powers last October proposing that the Prize Court established by the Second Hague Conference be invested with the functions of a regular court of justice. Many consider this by far the most significant event of the year. Such it is likely to prove to be, in its influence, whether the particular purpose of the note be realized in the form proposed or not. As this subject is to be discussed later in the Conference by some of the foremost speakers here I must pass it over with only one or two remarks.

We are all agreed in entertaining the very highest appreciation of the purpose and effort of our government to secure the earliest possible establishment of the International Court of Arbitral Justice, which was in principle unanimously voted by the Second Hague Conference. It is not easy to form a critical judgment of the proposal of Secretary Knox without more detailed information than has yet been given to the public. If the plan follows literally the form of constitution of the Prize Court then it is almost sure to meet with the united opposition of the thirty-six smaller powers just as did the method of appointing judges for the International Court of Arbitral Justice proposed at the Second Hague Conference by the eight greater powers. These eight powers were each to have a judge, and the other seven judges, making fifteen in all, were to be divided up among groups of the smaller powers. This method ignored the political equality of nations, the very "soul of international law," as a distinguished jurist with whose presence we are hon-

ored at this Conference, has called it, and for this reason met with the solid opposition of the thirty-six smaller powers, who refused to enter into any agreement which would make them ever thereafter judicial vassals of the great powers.

In the Prize Court they seem to have reconciled themselves to being subordinate, as this Court would never sit except in time of war and seemed not likely ever to concern them very much, as it is the great powers and not the smaller ones which make war in our time. But in the case of the International Court of Justice, whose judges would be always in service and hold regular sessions, they declined to accept a position of judicial inferiority. If eight or more of the greater powers should accept Secretary Knox's proposal and create a Court of Arbitral Justice for themselves, with the expectation that the smaller nations would ultimately feel compelled to come in, on terms unacceptable to them, would not thereby one of the most fundamental principles on which alone permanent and assured world peace must rest be ignored or wholly sacrificed? What is wanted, what the great peacemakers of the past century contended for, is a world court of justice, not a court for a few of the great powers, and in order to get this world court in the only form with which humanity will be ultimately satisfied, the nations must move together, voluntarily and freely, and all feel assured that their sovereignty and equality will be respected and honored. If the nations had not all met together in the Second Hague Conference and considered with great thoroughness the whole problem of an International Court of Justice, there might be more propriety in talking of the creation of a Court for a few of them, whatever the others might or might not do; but after this great meeting at The Hague is it not too late to attempt to force into existence a high court of nations without the coöperation and hearty accord of all the powers of the world? I raise the question at the very opening of our Conference hoping that some of the learned gentlemen who are to expound the Knox proposal to us may be able to give us more light on the subject than we so far possess. (Applause.)

THE CHAIRMAN: We are now to have the pleasure of hearing from a gentleman who has but recently returned from a second tour of Asia and who has most thorough information regarding public opinion in the Far East and its relation to the movement in which the Conference is interested. I present Rev. ARTHUR J. BROWN, of New York, Secretary of the Presbyterian Board of Foreign Missions.

INTERNATIONAL ARBITRATION AS AFFECTED BY NEW WORLD PROBLEMS IN THE FAR EAST

ADDRESS OF REV. ARTHUR JUDSON BROWN, D.D.

Our late Secretary of State, John Hay, said that the storm centre of the world had shifted from Turkey to the Far East and that whoever understood the situation there would have the key to the future. The political, commercial, intellectual and spiritual forces of the modern world have been operating upon those vast and hitherto stagnant masses of humanity and changes startling in their character are taking place. Japan, which a generation ago was regarded as an insignificant nation, has armed herself with the most effective weapons of our modern civilization and has become a world power. No one despises the Japanese to-day—certainly not in Russia. China presents a phenomenon of unparalleled magnitude. A nation embracing nearly one-third of the human race is awakening from the torpor of ages and is adapting herself to new conditions.

These nations of the Far East do not desire war. The Chinese are a peace-loving people. They divide society into five classes. They place the scholar first because they believe that mind is greater than matter; the farmer next because he produces the necessities of life; the artisan third because we must have shelter and clothing; the merchant fourth because he stands between the producer and consumer and takes toll from both; and the soldier last of all because he not only does not produce anything, but he destroys what other people produce. They despise the profession of arms. They understand that we can whip them, but they do not respect us any more on that account than we respect a pugilist who might defeat us in a physical encounter.

The real menace to the world's peace lies in the conflicting ambitions of the alleged Christian powers of the West. Students of world conditions cannot ignore the prevailing belief in Europe and the Far East that war is highly probable before many years and that the first clash is likely to come between the United States and Japan. I deplore exceedingly such published prophecies. Most of them belong in the category of thoughts which are fathered by a wish. Men who fear and dislike the Japanese are eager to see some nation fight them.

If war were caused only by rational considerations, we might promptly reply that there would be no war at all. The peaceful intentions of the United States are well known. In spite of their national swagger and high temper, Americans are not disposed to rush into hostilities. Moreover every sensible man knows that, while we have a splendid navy, our army is too small to be a serious factor against the disciplined troops of a first-class

power. Putting rifles into the hands of clerks, farmers and mechanics does not make an effective force in this age of the world. In our Civil War, there were volunteers on both sides. In the Spanish-American War we fought a decrepit nation. It would be quite another thing to contend against a really formidable foreign nation. Our population and resources and our ocean-wide distance from other nations are so great that we could easily defend our home territory against any invader; but we could do little in offensive operations where any war of the first magnitude would probably be conducted, and the first thing that would happen to us would be the loss of the Philippine Islands and probably the Hawaiian Islands.

Many Americans have "the valor of ignorance" which boastfully imagines that we could whip the world; but intelligent men know better. They understand that war could bring to us absolutely nothing that we want but only things that we do not want. The ambitions of the people of the United States are not military. We not only lack an army capable of foreign aggression, but we have not the slightest intention of developing one. The only real danger of trouble with Japan lies in our irresponsible mobs and demagogues, and if we can keep them from exasperating beyond endurance the proud and sensitive Japanese, there is not likely to be trouble. A suggestion that any considerable portion of respectable Americans cherish hostile sentiments against the Japanese would be greeted with derision anywhere in the United States, except possibly in a few local communities on the Pacific Coast where the competition of Japanese immigrants has become serious, for the white and yellow laborer do not live on the same scale and cannot mix readily.

Japan too does not desire war. She is staggering under a debt of \$1,125,153,411 or \$21.50 per capita. Taxes already range from 20 to 30 per cent of incomes and the people can endure no more. Japan now wants to develop her internal manufactures and foreign trade, to carry out her program in Korea, Manchuria and Formosa, and in general to strengthen the position which she has already won. She knows that she has a formidable enemy in Russia, that it will be no easy task to bring the twelve millions of Koreans into a condition where they would remain quiet in the event of another war, and that the Chinese are increasingly jealous of her. She is not disposed to make another enemy of the United States. Americans were long in coming to the conclusion that they ought to have the Hawaiian Islands, and it would not be surprising if in time the Japanese come to feel that, for the same reasons, they ought to have the Philippines. But the conditions are not parallel, for the Hawaiian Islands did not belong to another friendly nation and the ruling class was composed of men of our own blood and

speech who had been seeking annexation for many years. Whatever deeper causes might have led in time to annexation, the immediate cause was pressure from the Islands themselves to which our Government after much hesitation finally yielded. The Philippine Islands are as alien to Japan in both government and people as Hong Kong and could only be taken by force in a great war. Japan has no notion of taking them in that way. Of course if war should break out from other causes, the first act of Japan would probably be the occupation of the Philippines, just as her first act in the war with Russia was the occupation of Korea. But other causes will not lead to war if Americans keep their heads. The Japanese, in spite of their martial spirit, are not as eager to fight other nations as their critics allege. Japan has had comparatively few foreign wars, and she did not begin hostilities against Russia until she had been humiliated and goaded for years in ways that no western nation would have tolerated. Japan fought Russia only as a last resort after every other means had been exhausted and all the world saw that war was inevitable. But when she did begin, she continued in a fashion which should make other nations think twice before pushing her into war again. Large significance should be given to the opinions of the American missionaries resident in Japan. They are in a position to know the attitude of the people. Several years ago, when sensational newspapers in America were frantically predicting a Japanese attack, the whole missionary body united in making a statement which included the following:

"We, the undersigned, wish to bear testimony, to the sobriety, sense of international justice, and freedom from aggressive designs exhibited by the majority of the Japanese people, and to their faith in the traditional justice and equity of the United States, and our belief that the alleged belligerent attitude of the Japanese does not represent the real sentiment of the people."

And at the Semi-Centennial celebration of Protestant Missions in Japan last October, the appended resolution was unanimously adopted by the large and representative number of missionaries who were present:

"While the Government and people of Japan have maintained a general attitude of cordial friendship for the United States, there has sprung up in some quarters of the latter country a spirit of distrust of Japan. There have issued from the sensational press such exaggerated and even false rumors concerning the 'real' and 'secret' purpose of Japan as to arouse suspicion that even war was not unlikely—a suspicion that was largely dispelled by the cordial welcome given by Japan in the fall of 1908 to the American fleet and the delegation of business men from the Pacific Coast.

"Both in connection with the embarrassing situation created by the proposed legislation in California regarding Japanese residents and the

attendance of Japanese children in the public schools; and in connection with the problem of Japanese immigration into the United States, many articles appeared in the American sensational papers, revealing profound ignorance of Japan and creating anti-Japanese sentiment. In spite of this irritation, the press and the people of Japan, as a whole, maintained a high degree of self-control. Nevertheless they were often reported as giving vent to belligerent utterances and making belligerent plans. Trivial incidents were often seized on and exaggerated.

"In this day of extensive and increasing commingling of races and civilizations, one of the prime problems is the maintenance of amicable international relations. Essential to this are not only just and honest dealings between governments, but, also, as far as practicable, the prevention as well as the removal of race jealousy and misunderstanding between the peoples themselves. Indispensable for this purpose is trustworthy international news. False, or even exaggerated reports of the customs, beliefs or actions of other nations are fruitful causes of contempt, ill-will, animosity and even war. If libel on an individual is a grave offense, how much more grave is libel on a nation?"

"Therefore, we American missionaries residing in Japan would respectfully call the attention of lovers of international peace and good-will to the above mentioned facts and considerations, and would urge the importance of receiving with great caution, any alleged news from Japan of an inflammatory or belligerent nature; and of seeking to educate public opinion in the United States so that, in regard to foreign news, it will cultivate the habit of careful discrimination."

France has no discoverable reason for making trouble in the Far East. She already has large colonial possessions in Southern Asia, and apparently feels that she can get what more she wants without fighting for it. Germany and Great Britain both require peace in order to carry out their ambitions in the Far East, which are now distinctly commercial.

A more serious menace is Russia. No one who understands that Empire believes for a moment that it will permanently accept the results of the late war with Japan. All the reasons which led to it exist in undiminished force and are intensified by the rage and chagrin of defeat. The factor which now compels peace is the Anglo-Japanese alliance. Neither Russia nor any other nation is likely to begin hostilities which would have to be conducted against two such nations. But that alliance expires in 1915 and no one knows whether it will be renewed. B. F. Putnam Weale is so sure of trouble that he entitled one of his books, "The Truce in the Far East" and he declares: "It is quite vain to suppose that the war has accomplished anything more than the destruction of Russian naval power in the Far East for a period of 15 years and the establishment of Japan, and the establishment of Japan at a cost out of all proportion with the result attained as a military power. Were it not for the Alliance with Great Britain (expires August 12, 1915), which expires in nine short years, Russia would be in a far better position than she has ever been to wage war." The internal troubles of Russia are more likely to encourage war

than to discourage it. It is an old trick of a jeopardized ruling party to involve the nation in a foreign war in the hope of diverting attention from revolutionists and uniting the people in defense of the fatherland. Meantime Russia is making Vladivostok impregnable, strengthening her hold upon northern Manchuria, developing its agriculture and flour mills so that it can furnish abundant food supplies, and increasing the facilities of the Trans-Siberian Railway so that it can transport troops and munitions of war more rapidly than in 1905.

The unsettled condition of China also begets uncertainty. It is impossible to foresee what may result from the conflicting forces which are operating there and the ambitions of rival nations to secure predominating influence. White nations have frequently warred to obtain more territory, or to resent slights upon what they were pleased to term their national honor, or because, like individuals, they simply got mad. History makes it painfully apparent, therefore, that the possibility of war is always with us. Fortunately, the influences which make for peace are strong, especially among the English-speaking peoples, and I may add the German-speaking peoples, too; for Germany, although the greatest military power in the world to-day, wants trade and colonies, not war. She has entered upon a career. Fortunately, too, the increasing influence of those ideas of international order, justice and brotherhood which the Christian religion inculcates tend to diminish the probability of conflict.

The greatest anxiety and the one which should cause us deepest searchings of heart is the resentment aroused in Asia by the attitude and methods of white men. Western commercial and political relations with the Far East have long been characterized by force and often by a contemptuous disregard of the feelings and rights of Asiatics which have been irritating to the last degree. Individual white men have added to this irritation. Missionaries are scrupulously careful to avoid wounding the sensibilities of the people. They learn the language and treat the Asiatics as their brother men. But other foreigners are not always so considerate. My Siamese cook was overheard remarking to a friend: "Master must be a very holy man, for I have been with him all these weeks and he has never kicked me or sworn at me yet." I felt ashamed that ordinary decency in the treatment of an Asiatic should be regarded as so exceptional.

I was advised not to have my wife ride about the streets in Peking in 1901 in an open cart. "Why," I said, "will the Chinese insult her?" "Oh, no," was the reply; "the Chinese will not, but these white soldiers probably will." The world was horrified because forty missionaries and twenty-five chil-

dren were killed during the Boxer outbreak in China, but the Western world said little about the fact that in the city of Tung-chao five hundred and seventy-three Chinese women committed suicide rather than survive the indignities to which they were subjected by alleged Christian soldiers from the West. We have heard much in recent weeks about mobs in China and denunciations of the Chinese have been severe. Another has well replied that these mobs indicate the immeasurable difference between Chinese civilization and American civilization. Americans merely mob Chinese and lynch negroes or burn them at the stake; but Chinese actually mob Americans. Such a lack of discrimination on their part indicates moral obliquity and mental obtuseness most discouraging to those who have the welfare of the Chinese at heart. Mark Twain well said that there are many humorous things in the world; among them being the white man's notion that he is less savage than the other savages.

Why should not the Asiatics hate the white man as one Asiatic described him: "That high-tempered, arrogant man from the West who insults our men, outrages our women and blasphemes his God as no Buddhist would blaspheme his." So there is growing to-day in the Far East bitter resentment against white nations. Asia long submitted under the impression that she was helpless. But the victory of Japan over Russia has kindled a new spirit. We no longer confront a cringing Asia but an aroused and militant continent conscious of a new sense of unity and power. Is the closer contact of the East and the West to be the occasion of new wars? The shame of it that peace-loving China is feeling obliged to build arsenals and raise armies to defend herself against further aggressions of alleged Christian nations!

We talk sometimes about a yellow peril. The man who travels through Asia finds the Asiatic talking about a white peril. The British Ambassador, Mr. Bryce, said not long since that the jarring contact of many nations in the Far East to-day imperatively calls for the strengthening of that foreign missionary work which must be the chief influence in smoothing that contact, in allaying irritation, and in creating those conditions of international good-will which are essential to the preservation of peace.

Christian men ought to lead in creating a better public sentiment regarding the peoples of Asia, and we should do this not only because we are prompted by justice and humanity but by real respect. We are wont to think that these peoples are peculiar and to ridicule them. But if you were to travel through Asia you would find that we are regarded as the peculiar persons. Have you heard of the Chinese gentleman who traveled

throughout the United States and wrote a letter back to his friends describing us? He said:

"You cannot civilize these Americans. They are beyond redemption. They will go weeks and months without touching a mouthful of rice, but they eat the flesh of bullocks and sheep in enormous quantities! That is why they smell so badly; they smell like sheep themselves. Every day they take a bath to rid themselves of their disagreeable odors, but they do not succeed. Nor do they eat their meat cooked in small pieces. It is carried into the room in large chunks, often half raw, and then they cut and slash and tear it apart. They eat with knives and prongs; it makes a civilized being perfectly nervous. One fancies himself in the presence of sword swallows. They have no sense of dignity, for they may be found walking with women. They even sit down at the same table with women, and the latter are served first. Yet the women are to be pitied, too. On festive occasions, which Americans call balls, they are dragged around a room to the accompaniment of the most hellish music."

Perhaps we might be reminded of the old saw: "There is so much bad in the best of us and so much good in the worst of us that it ill becomes any of us to talk about the rest of us."

It is said that these peoples are inferior, and yet when one comes to know them, he regards them not as his inferiors but as his brother men. The Japanese are men of fine quality: courteous, chivalrous and making a splendid effort to adapt themselves to the conditions of modern life. One looks with a fascination not unmingled with awe upon the solidarity of the Japanese. They present the most unique illustration in history of national unity, the submergence of the individual in the life and ideals of the whole people. It is not merely the relation of a present generation of Japanese to the Imperial House, but the persistence of the solidarity of the nation throughout the ages, a solemn, mystical and yet a tremendously real and vital fact.

The Chinese are one of the most virile peoples in the world. There was a meeting in Madison Square Garden several years ago to consider Chinese immigration. One speaker wanted to know what the Chinese had ever contributed to the world. It was a pleasure to remind him that the Chinese made accurate astronomical observations two hundred years before Abraham left Ur; that they made paper one hundred and fifty years before the Christian era; that more than two thousand years ago they built a wall which is one of the engineering feats of the ages; that they first grew tea and made glue and gelatine; that they discovered the principle of the mariner's compass without which the seas could not be crossed; that they first conceived the idea of an artificial inland water-way and dug a canal six hundred miles long and twice as wide as the Erie; that they discovered the principle of the arch without which modern architecture

would have been impossible; that they printed with movable types five hundred years before that art was known in Europe; and that they wore silk and lived in houses when your ancestors and mine wore undressed skins of wild animals and slept in the caves and forests of northern Europe. They have been weak politically because, unlike the Japanese, they have no sense of unity. Whereas the key idea of the Japan is solidarity, the key of China is individualism. But the individualism of the Chinese is now being pervaded by a national spirit. The fires of the modern world are fusing and welding this vast mass of individuals into a majestic nation.

Two journeys through Asia have led me to feel more deeply than ever that the differences which separate men are superficial and that the resemblances which bind them together are fundamental. Back of almond eyes and under dark skins are men of like passions with ourselves. We need to avoid what George Eliot called the habit of looking upon men as if they were merely animals with a toilet and not see the soul that is shining in their faces. We should imitate Catherine of Siena who asked and received of God "the gift of seeing the possible loveliness of humanity even amid its ruins." Above all we need to remember the sublime declaration of Paul that God hath made of one blood all nations of men. Our ancestors were lower in the scale of civilization when Christianity found them than the Chinese and Japanese are to-day. Jerome said that when he was a boy in Gaul, he found Scots who were cannibals. Consider the depths from which we have come. Benjamin Kidd declares that there is no scientific ground for asserting that one race is inherently superior to another. Those qualities which have given the white man preëminence have been inwrought by the mighty altruistic forces of the Christian religion. If those altruistic forces were to operate upon the millions in the Far East, would not like results follow?

A business man of New York said some time ago after having traveled through China: "It will take five hundred years to convert the Chinese." Well, it has taken fifteen hundred years to convert England and America and they are not very well converted yet.

The situation in the Far East presents a crisis that ought to make our hearts solemn. Five hundred millions of the earth's inhabitants are awakening from the torpor of ages! A stupendous transformation is in progress! New ambitions are being kindled; new wants are being created; a new spirit is developing. The Gospel of Christ is exalting ideals, creating character and strengthening moral purposes. On the other hand, forces of evil are more active and bitter. Whereas the opening of the sixteenth century saw the struggle for civilization; the opening

years of the seventeenth century the struggle for religious liberty; the opening years of the eighteenth century the struggle for constitutional government; the opening years of the nineteenth century the struggle for political freedom; the opening years of the twentieth century are witnessing a death grapple between truth and error, between righteousness and iniquity, a struggle which is to determine the peace of the world and the moral character of the human race. Our duty is not to resist these changes; not to build armies and navies in anticipation of fighting the nations of the Far East. Our duty is to treat these men justly, to inspire them with high resolve, and to feel that the opportunity to help them in shaping their development is the noblest ever offered to man.

We have armed them with the weapons of our alleged civilization and have taught them to kill one another more scientifically than they ever knew how to kill before. Shall we not also give them the regenerating and uplifting force of our Christian faith? The situation calls for men of vision; for men of moral leadership; for men of splendid faith; for men who have the spirit of that Christ who said: "One is your Father, even God, and all ye are brethren." And who knoweth whether we are not coming to the kingdom for such a time as this! (Applause.)

THE CHAIRMAN: As the last speaker of the morning, I have pleasure in presenting my colleague, PROFESSOR JOHN B. CLARK of the Department of Political Economy of Columbia University.

AN ECONOMIC VIEW OF WAR AND ARBITRATION

ADDRESS OF PROFESSOR JOHN B. CLARK, LL. D.

It is a significant fact that it was the revered moral teacher whose presence at these conferences we so well remember, Dr. Edward Everett Hale, who introduced the first motion which secured the coöperation of commercial bodies in the work which the Conference is doing. The great idealist appealed to a very mundane force. Clearly things economic and things moral are less widely separated than we sometimes think. If peace did nothing but add to the comforts which men enjoy, it would be an urgent duty to work for it. By so doing, we should feed the hungry, clothe the naked and in so far win benedictions. What I wish to emphasize this morning is that physical comfort is far from being all that is gained by avoiding the expense entailed by war. Economic waste has moral effects; they are among its worst effects, and a right use of resources now wasted works brilliantly even in the moral sphere.

Unnecessary poverty menaces the character of the modern state, and relieving it does, in an indirect way, a work of

collective character building. Moneys wasted may be counted, and the immediate expenses which warfare and the preparation for it entail on a government may be clearly perceived, and so can the ravages of armies. The pensions that American generosity, combined with a system of vote buying by political parties, entails after a war is over are calculable. The losses incurred by a check on production are obvious, though they can be less accurately measured. Besides such effects as these are others comparatively unseen but real and far reaching. There is a bad general working of the productive organism. There are struggles of classes entailing bitter enmities and rendering fainter the hope of human brotherhood. Through and through the appeal to reduce such evils, by reducing the economic waste that causes them, runs a ringing moral imperative. The wastes we may speak of in terms of dollars and cents, but their effects must be described in terms of moral character, individual and collective. The commands of the Decalogue and the principles of the Sermon on the Mount are authority for the economic reforms and we are in a moral and spiritual realm when we work for them. We are seeking for spiritual gains which are certain to result from spiked guns and active courts of international justice.

As far as the costs of warfare are concerned, the figures are marshalled in tracts that are abundant and accessible. Some of them are effectively presented in a tract by Dr. Trueblood and in the battleship circular of the New York Peace Society. Fifteen billions of lives destroyed within the historic period by a process that selects the more vigorous for destruction and the weaker for survival;—who can measure that effect? Forty billions of dollars expended and as much more lost by checks on production; three billions of dollars spent in our own country for pensions and two more are still to be spent as a result of wars now past; two hundred millions annually spent on army and navy by a country that has, within the hemisphere where it is located, no neighbor capable of endangering it; debts that rest crushingly on many a land and are counted by billions of dollars:—such figures, as quickly cited, make no adequate impression on the mind, but if pondered at leisure, reveal the dimensions of an evil which it would not seem possible that civilization should knowingly tolerate.

The most effective mode of partially grasping the effects of such expenditures is to consider what might otherwise be done with the wasted resources. What would happen if we had 100 per cent of the national revenue instead of 28 per cent available to meet non-military needs? Where would our country be in point of well being if we could restore forests, irrigate dry plains, create water powers and cross and recross the land

with water-ways for heavy traffic? Where would it be if we could stamp out tuberculosis, hook-worm, cancer and rabies and put an end to the introduction and spread of plagues, and where if we could teach useful arts freely to all who need such instruction? Even this, however, does not measure the benefits of avoiding military expenditure. The effects of it would extend to still remoter spheres; and my single purpose to-day is to point out, in the briefest way, some of these still less immediate but even finer effects.

The whole social order is now under a grave indictment, and the number of those is growing who believe that there is only one thing to be done with it, namely to overthrow it altogether. This opinion is based on the fact of hardships that exist and of wrongs that exist in part. If we really thought, as do socialists, that labor is robbed by employers, that the robbery results from a fundamental law of society and that it becomes worse and worse as society works out more and more perfectly its own nature, we should be certain to join some party of very radical reform. Great is the relief from discovering that such robbery as exists comes by a perversion of the social order and is not a natural feature of its operation; and even greater is the relief that comes from knowing that the perversion can be largely removed. A belief in the practicability of social reforms makes the difference between a friend and an opponent of the social order. There is, however, no blinking the fact that the needed reforms will be difficult and costly, and it is in this connection that the inconceivable vastness of the figures that describe military expenditures is in point. What could be done that would have redeeming moral effects if we had not such demands to meet? Of course we could reduce taxes, beginning with the worst variety. The mere abolition of imposts which select working men for their victims would do great good. Taxing the poor man's bread, his clothes, his house and his modest comforts is an unnecessary evil, and removing it would take not a little bitterness out of class struggles. Monopoly is a fact of most sinister possibilities, political and ethical, and it is possible to remove it without interfering with production. The contentions through which wages are now adjusted—the strikes and “lock-outs” that characterize our crude system of dividing the returns of industry—are not necessary features of modern life. It is practicable to improve communication, cheapen the operation of carrying persons and goods, and so remove many a grievance. It is feasible to conserve natural resources, and to extend the process so as to make it include that finer conservation which has to do with human resources. We can prevent waste and develop productive energy in man himself, and so remove a handicap under which many a man labors.

Technical education has as yet been carried but a few steps along the way over which it must ultimately go. No general provision for the unemployed is now attempted and the relief of the aged and the disabled is very far from being satisfactorily done. The relief of congested populations is a process that is in its infancy. In the conquering of disease, the prolonging of life and the increasing of its vigor only the minutest beginnings have been made. Economic study shows that with all its faults, the industrial world is at bottom a good one and that its fundamental tendencies are upward; but it does not blink its faults, and it puts in the strongest light the necessity for removing them. Coming generations demand that we hand over to them a social system in which life will be a joy rather than a burden, and in which it shall be free from grave enmities and moral blights.

A full enumeration of possible reforms would carry the conviction first that they are pressing, and, secondly, that they require great resources. Humanity cannot spare any of those resources that can be made available. Very ill can it spare what now goes towards instrumentalities of destruction. We need this for doing what contributes to internal harmony and gives a moral tone to the population.

We reach here the great paradox of the situation. Revolutionists are all for *international* peace. They are numerous, well organized and insistent in their demands. They make no secret of their underlying motive. They are affiliated the world over and are carrying on a common struggle against the capitalist classes of the world. They want no break in their own ranks and no diversions from their main purposes—the radical transformation of society. Shall we join them in their demands for outward peace? Will not this play into their hands in the internal struggle? Will not this buy peace in one sphere at the cost of war in another? If we do nothing to ameliorate the industrial order it certainly will have this effect; but if we throw ourselves body and soul into the effort to make that order what it should be, just as certainly it will not. To a government which stands stiffly on the side of wealth and privilege what the radical classes offer is peace abroad and contention at home. For a government that works for the people, there is no such hard alternative. To it peace abroad means peace at home also. The removal of genuine evils takes away the root of strife, and even the earnest effort to do this takes away the deepest root of enmity. A state that saves resources that it may use them for self-improvement has the capacity for every gain that a revolutionist can intelligently promise. It can point to delectable mountains in the future.

What we are offered, then, is not the alternative between war abroad and war at home, but the choice between reform at home and revolution here. The improvements, to be effective, must be thorough and, to be that, they must have command of great resources! Both the growing evils that incite to revolutionary attempts, and the menace of the attempts themselves, call imperiously for a stopping of the wastes which the statistics show are so inconceivably vast. Some strife will go on in spite of us; but we can make it harmless. Socialism will continue and grow, but it will carry no menace for human freedom or human comfort if the justifiable demands of the people are met. Very inspiring is the outlook that is afforded by the adoption of such a course. The determined effort to relieve distress, and establish justice will restore the friendliness that once subsisted between employers and employed. Socialism abounds in brilliant promises, and would try to make the world an Eden in point of comfort and fraternity; but it has to overthrow the present order when it makes the experiment. Meanwhile the capacity of the present order for improvement has not been demonstrated, and the demonstration cannot be satisfactorily made without a husbanding of the means it will require. Not for one moment should we tolerate an extensive wasting of them. The ship we are sailing in is leaky and some tell us it must soon sink and urge us to take to a raft. If the leaks are left alone we shall have to do it. Our carpenters report that the timbers of the ship are sound. Our clear course is to cork the leaks and to save every foot-pound of strength and every bit of material that will be useful for that purpose. (Applause.)

In brief, then, the situation is this:—permanent internal peace demands reformatory measures and these demand the saving of resources now wasted. That demands a reduction of military outlays and that, finally, is conditional on what? One thing only; and it is the one thing for which at every meeting of this Conference at which he was present, Dr. Edward Everett Hale raised his eloquent voice—"A permanent tribunal of international justice." That is the one condition of disarmament and the avoidance of military outlays, and the logic of the whole situation calls for seizing the present strategic moment to work for it. The justice which such a court would deal out between nation and nation would carry with it the possibility of peace *within* the several countries, because it would make it possible to provide the means for doing the works of peace. Its effects would extend to the outward dealings of class with class and of man with man, and even into the heart of man himself, where enmities are now growing. Broad and deep beyond computation will be the effects of the court's action. Aroused already

are our people to the need of internal peace and fraternity, but they need to realize the connection between that end and the international tribunal. The chain of influences from the high court to the state of society and the life and heart of man is clear and complete. In the ameliorating work that we must do at home, in the liberating of resources for it, in the securing of the court that will effect the liberation, there is need of every one's influence, and here as truly as on any literal battlefield, America expects every man to do his duty. (Applause.)

THE CHAIRMAN: The Conference will stand adjourned until eight o'clock this evening.

Second Session

Wednesday Evening, May 18, 1910

THE CHAIRMAN: As the first speaker of the evening it gives me very great pleasure to present the official representative of a sister republic, the Minister from Switzerland, DR. PAUL RITTER.

THE FUTURE OF AERONAUTICS FROM AN INTERNATIONAL POINT OF VIEW

ADDRESS OF PAUL RITTER, LL.D. MINISTER OF SWITZERLAND

In the short space of time which has been allotted to me I can only throw a glimpse at one of the most important of the great modern inventions, aeronautics, which in the near future will have to mature many questions involving, from an international standpoint, far-reaching consequences.

Airships, though far from being perfect at the present time, have arrived at a marvelous degree of advancement. Truly, the novelty of these conveyances has caused reports of accidents to travel far more rapidly all over the world than those which occur with other means of traffic, and this fact might lead to the erroneous conclusion that air traffic is fraught with vastly greater danger than transportation by other means to which the public has long since been accustomed.

However, this apprehension has been authoritatively refuted by many experts, and we may be looking forward to the day when airships will serve the traveling public, even as railroads and steamships do at the present time. The one requirement which still remains to be fulfilled to make travel by airship entirely practicable is a cheap motor that can be manufactured in large quantities. The other parts of flying machines hardly enter into consideration as far as the cost of manufacture is concerned.

Up to this time, international intercourse has employed roads, rails, canals, lakes and the sea, and owing to treaties and international legislation the nations of the world, great and small, have been able to reduce to a minimum their disputes concerning boundaries. The more extended the territory of a state and particularly the more effectively it is segregated from neighbors by water, the fewer and less in importance have been the boundary disputes. In this respect there are probably few countries more favorably situated than the United States, and that fact stands out most impressively, if you compare the boundaries of this

republic, for instance, with the crowding environments of my own fatherland.

A conference of aeronauts, which recently took place in London, has gone so far as to proclaim a "*right to traffic in the air*" analogous to the already recognized "*right to traffic on land and water.*" According to this latter rule no civilized state may bar another from its territory, neither on land nor on water: and by inference that body of men has arrived at the conclusion that an exclusion from the right to traffic is equally infeasible in the space of air above us.

Juridical analogies and precedents concerning this question of aeronautics may be found in the relatively new maritime law, as well as in the international agreement relative to the traffic of automobiles which was concluded in October 1909 at Paris and was signed by the delegates of Germany, France, Italy, Belgium, Spain, Monaco, Roumania and Servia.

In the future, a distinction may possibly develop between a right to air traffic over the sea and over land; there freedom, here territorial jurisdiction.

The high seas are free: "*res omnium communis.*" The sea is not subject to any national jurisdiction or domain. It is given to the use of all nations, and does not belong to the territory of any state.

But how about the air? How about aeronautical law? From the standpoint of *civil law* the air cannot in every case be considered as free as the sea. For even according to our old Roman law, the atmosphere above a tract of real estate was considered an appurtenance of or an accessory to it. Thus it appears that it is possible to conceive and reason out a limitation of the property zone relative to the atmosphere.

Yet notwithstanding the existence of this zone, the freedom of airships must be considered guaranteed in principle, as they always travel at such a distance from the earth that the owner of the land below can have no interest whatsoever in prohibiting the traffic overhead. However, such traffic should be subject to certain regulations and limitations, which on the one hand protect the property zone, while on the other the aeronaut should be accorded certain privileges indispensable to him. The right of eminent domain should apply to these property zones; airships should be allowed to land in case of distress; provisions should be enacted to permit the unloading of ballast or jetsam on condition of responsibility and indemnification for damages sustained; jurisdiction over litigation should obtain either at the place where the damage was done or at the starting point of the airship.

Viewed in the light of the principles of *public law* the question also becomes important: How far up into the atmosphere does the domain of a state extend, and, consequently, to what height

does the penal law follow the right of a state to mete out punishment?

The maritime law has established a zone which the bordering state may dominate by coast batteries. This zone formerly extending three miles out into the sea has been widened to 5,500 meters by the most recent treaties. But this zone does not afford an analogy for the air traffic. In the first place the projectiles of modern guns range beyond the height which an airship may attain, and in the second place it would be a mere matter of chance if an airship propelled at a speed of one hundred miles per hour should be hit at a height of 5,000 feet or more—1,800 meters, equal to 5,904 feet, being the Zeppelin record.

Aeronautical *police regulations* relative to the manner of conducting and handling airships in the air, similar to the maritime regulations now in force, are already in existence in many places. They aim at the avoidance of collisions, determine the right of way and contain instructions as to flags, signals, lights, etc.

A few questions of *martial law* concerning aeronautics have heretofore been settled at the two Peace Conferences at The Hague; for instance, the prohibition against throwing projectiles and explosives and bombarding undefended cities from airships, and also the question of espionage. But other questions may arise. For instance, shall the laws pertaining to contraband of war or blockade-running be made applicable to air traffic? May airships for war purposes in peace or war pass through the property zone of neutral states? May they land to take in new equipment and provisions?

Furthermore, all nations will have to consider whether and to what extent they will carry on aeronautics as a monopoly similar to the carrying of the mails, or whether they will leave this means of transportation to private enterprise, similar to the management of the railroads in many countries. Eventually the question will have to be decided whether governmental airships shall be kept solely for the purposes of war, or as well for the purpose of carrying mails and to guard against smuggling. Especially as regards these two latter phases of national sovereignty, the customs service and the mail service, the great danger is apparent that the interests of a state may be prejudiced. For many nations especially the smaller ones, like Switzerland, depend mainly for their revenues on the monopoly of the customs and the mails, and aeronautics, therefore, may shake the very existence of their system of constitutional law.

In this connection the important question arises: How may a nation defend herself against smuggling? It is readily conceivable that this illicit traffic, especially as far as articles of light weight (laces, jewelry, etc.), are concerned, may be carried on flourishingly by means of airships.

Now, will an international aeronautical mail service be established, and, until this is done, will the mail service by airships be forbidden?

To decide important questions of this character one-sided legislation on the part of a single nation does not suffice. International conferences and international agreements will be necessary and the establishment of an "*International aerial law*" must be the final outcome. Already the Italian city of Verona has issued invitations for the First International Juridical Aeronautical Congress to meet May 31st, and June 1st and 2d of this year. The necessity of founding an *international aeronautical bureau* similar for instance to the International Bureau for railroad-transportation and telegraphs, or the International Postal Union which all three are located at Berne, Switzerland, will soon be felt.

However, even the first steps toward international regulation of air traffic must needs be preceded by separate action on the part of single nations, for this much is certain even now, that every Government must possess a constitutional and legal right to grant or deny the permission for aerial traffic, not only, as stated above, as a matter of police regulation and public safety, but also and more particularly for reasons based on military purposes, for the protection of the custom service, for purposes of sanitation and other reasons related to public welfare in general.

Switzerland, for one, situated in the very heart of Europe, will be forced in the future to guard her perpetual neutrality in peace and war against transgressions of aeronautical nations surrounding her, as now she does against aggressions on land. That little country might be called upon to consider these questions earlier and perhaps more frequently than other and larger nations.

Indeed my Government has already taken steps in this direction. The Swiss Federal Council (which corresponds to the cabinet in this country) has decided, after due deliberation of the important question, that a modification or rather a broadening of Article 37 of the Swiss Constitution of 1874 may be advisable to meet these new conditions. Therefore, the following amendment to that article was proposed to the Swiss Parliament on March 22d, last:

"The Swiss Confederation may establish police regulations on the subject of traffic of automobiles and bicycles. The regulation of aeronautics is left to the federal legislature."

In a message to the Federal Parliament concerning this legislation on automobile traffic and on aeronautics, the Federal

Council presents the following reasons for the newly proposed Article 37:

“while in regard to *automobiles* and *bicycles* the revision only tends to give the Federal Parliament the *right* to *issue police regulations*, it is its purpose in regard to *aeronautics* to convey upon the federal legislature the *duty* to legislate fully and freely on that subject; that is to say, it shall be the duty of the Parliament to legislate in the interest of the Swiss Confederation on all questions which may arise relative to that matter in the future.”

Our Parliament is expected to take up this matter for consideration at one of the next sessions either in June or next fall. (Applause.)

THE CHAIRMAN: I am sure I am only saying what is in the mind of each one of you, when I express the keen pleasure that we have in welcoming a distinguished representative of the Church of England, who not only holds and worthily fills a high post in his church, but who has whole-heartedly identified himself with every cause which makes for the uplifting of the mass of the population, for the better instruction of the people, and for the promotion of economic justice at home and international good will and comity abroad. I present the VERY REVEREND W. MOORE EDE, Dean of Worcester.

A CONTRIBUTION WHICH THE CHRISTIAN CHURCHES CAN MAKE TO INTER- NATIONAL GOOD WILL

ADDRESS OF VERY REVEREND W. MOORE EDE, D. D., DEAN OF
WORCESTER

A few days before I left England, I had an interview with the Archbishop of Canterbury in which I mentioned to him that I had accepted Mr. Smiley's invitation to be present at this important Conference, and that I was coming here very largely as the representative of the English Committee which is allied with the German Committee for the promotion of better relations between our two countries. I gave the Archbishop a general idea of what I meant to say. A few days afterward I received this letter which, though it is addressed to me, I assume is meant to be brought before this Conference and before the larger public of the United States. Therefore, Mr. Chairman, with your permission, before I begin what I propose to say myself, I will read this letter of the Archbishop's:

“LAMBETH PALACE, S. E., *April* 20, 1910.

“My dear DEAN OF WORCESTER:

“I am interested to hear that you propose next month to visit the Lake Mohonk Conference on International Arbitration, and to give to

those who will be there assembled some account of what our united committees of the churches in Great Britain and Germany have been attempting to accomplish for the promotion of friendship and good will between our two nations.

"The story of those endeavors should not fail to interest those who are setting themselves—across the Atlantic as on this side of it—to the larger survey of the practical possibilities of the peaceful solution of differences between nations all the world over.

"For the realization of those possibilities we need not only enthusiasm, but wisdom. We believe that we have the right to expect that by the guidance of God's Holy Spirit such wisdom will be granted to us.

"It is my constant prayer that the spirit of wisdom may continue to guide not only the particular endeavours in which you and I have been taking part here, but all well-considered movements of a larger sort such as that in which you are soon to bear a share. I am,

Yours very truly,

(Applause.)

(Signed) RANDALL CAUTUAR."

It is natural and fitting that I should approach this question of international peace and arbitration from the point of view of a clergyman of the Church of England, or rather I should say, as these questions go deeper than sectarian differences of organization, from the point of view of a Christian—of all those who believe in Jesus Christ as the great ideal.

What is the Christ ideal in relation to the question with which this Conference is concerned? We may sum it up in three words—righteousness, brotherhood, love. We believe God is a God of righteousness and justice, and therefore that right and not might should rule in the affairs of men, and that those differences which must arise among men owing to variety of temperament, training, point of view or conflict of interest, should be adjusted by ascertaining what is right and just, and not by brute force. We are to seek first the Kingdom of God and His righteousness. It is our business as Christians to seek to substitute the rule of right for the rule of might.

Belief in brotherhood as the right relation of men toward one another is the necessary corollary of our belief in the fatherhood of God, and therefore we believe that intercourse between men grouped together in nations should be characterized by brotherly sympathy and fraternal good-will, and not by envy and enmity; for nations are units in the family of mankind, each with its own service to perform.

As Christians, we believe Christ has made it clear that love is the divine principle in life, the strongest power and the most beneficent, and that every effort should be made, that can be made, to draw nations together, to get them to know and understand one another, and, by understanding, learn to esteem and love.

Our ideal is a world ruled by righteousness and justice; a world in which all nations are united in bonds of fraternal sympathy; a world in which there is neither enmity nor ill-will.

That is our Christian ideal, but the world as it exists to-day does not correspond with our ideal—is very far removed from it. And the question every Christian ought to ask himself is: How can the world as it is be altered so as to approximate to the Christian ideal?

When Christians speak of their ideals of peace and good-will among men they are often regarded as fools, impracticable sentimentalists, dreamers of impossible dreams as unreal as the phantasies of sleep, having no more relation to the world of fact than dreams. We must, however, proclaim our ideals, not only because we believe in them and are sure they are not baseless visions but glimpses of the heavenly order and the divine will, but because the ideals supply a goal to human effort. Those who see visions and dream dreams often do more for the world than the practical man who looks only at the things which lie at his feet. Because the world as it is does not correspond with our ideals, Christians, in addition to proclaiming their ideals, are required to work for their realization, and here we need to combine with the inspiration which comes from the divine vision which we have seen, the wisdom of the serpent which crawls upon the ground,—the ground of facts, of the world as it is. We must recognize facts; for instance, such as the strength of public sentiment as to the value of force; the power of the belief that the way to secure peace is to prepare for war with the consequent growth of armaments; the natural and as yet untamed pugnacity of man; and, in England at any rate, the influence of the military classes and the active propaganda of such organizations as the national service league. We must also recognize the existence of national rivalries, suspicions and jealousies, and the liability of tempers being inflamed by the exaggerations of the press and the manner in which at times it glorifies war and incites to war.

Side by side, however, with these disheartening facts are others which we are just as bound to take into consideration, such as the growing dread of war as the murderous armaments increase in powers of destructiveness, and the increasing complexity of commerce which binds together the nations of the world by such an infinite network of credit that war between any two great European powers would bring ruin to every Exchange. Then there is the very human disinclination to paying the bill for the cost of armaments, a bill the burden of whose payment is pressing with greater and ever greater severity on the people of the civilized world and absorbing in preparation for war the resources so sadly needed for social reform. There is also the fact that the bonds of knowledge and sympathy which draw nations together are increasing through commercial intercourse, extended travel, study of one another's literature, and

the growing consciousness of solidarity of interests between the wage earners of the civilized world.

All these are facts on the side of peace, and they largely counteract the adverse facts. Above all there is this additional consideration to be taken into account; namely, that, while armaments have been growing and warlike clamour increasing, treaties of arbitration have multiplied more rapidly than ever, and more and more are differences between nations being settled by an appeal to right and reason; and there has been established at The Hague the nucleus of an international tribunal for the settlement of differences between nations by the principles of law and equity.

Private war died away as courts of justice won confidence. Therefore by fair analogy we may expect that public war and the idea of going to war will gradually give way to peaceful settlement as international courts of justice win confidence. My friend, Dr. Lawrence, whose works on international law have had such a generous appreciation in America, and who greatly regretted his inability to be present at this Conference, regards as far more important than any direct attack on armaments, educational work with a view to putting before the public what has been done in providing an alternative to war by means of courts of arbitration and propagandist work in convincing the public conscience of the need of national self-control, and of the wickedness of war while there is a possibility of referring the question in dispute to a competent and impartial tribunal.

The most effective work which Christians can do at the present time is to unite all who throughout the world recognize the Christian ideal and incite them to throw the influence of the Christian churches on the side of all that strengthens the sentiment in favor of settlement of national disputes by peaceful means, and counteract the jingo spirit by the cultivation of friendship and good will between nations, for, as our Prime Minister, Mr. Asquith, said, when addressing the representatives of the churches of Germany and England, "The promotion of peace and good will among nations is the cause which has been specially committed to the care of the representatives of the churches of all countries and creeds."

Last year, Mr. J. Allen Baker told the members of this Conference how in 1908 one hundred and thirty representatives of the German churches—Lutheran, Roman Catholic and Non-conformist—came to England expressly to promote peace and good will between two peoples, and for the first time in their history united in any movement of any kind whatever. It was also the first time the representatives of the Christian churches of one country united with their confreres in another country to promote international peace.

I am here, along with Rev. Mr. Thomas, to tell you what has happened since, and to make an appeal to the Christian churches of the United States.

Last June one hundred and twenty representatives of all sections of the Christian churches in England went on a return visit to the churches of Germany. Never before had such a fraternization occurred among the representatives of the varied forms which faith in Christ has assumed in England. There were Church of England Bishops, Deans, etc., Roman Catholic Monsignores, Presbyterians, Irish and Scotch, Congregationalists, Methodists, Baptists, Quakers, Unitarians. Indeed, one speaker said that never since Noah's Ark had there been such a collection of strange beings in one ship. But we were all united in the one purpose of drawing together the Christians of Germany and the United Kingdom, and coöperating in the promotion of peace and good will. The moment was propitious, for it coincided with the naval scare and to some extent counteracted it; for you cannot get together over one hundred representatives, all of whom are public speakers or writers, or both, without exercising an influence on opinion.

The manner in which we were received from the time we set foot on German soil and listened to the Burgomaster of Hamburg, who concluded an eloquent oration with the words, "May God Almighty bless your visit to Germany in every respect and thereby bring about a successful promotion of peace and good will and of a true and conspicuous and lasting friendship between our two great promising and glorious nations,"—on to the reception by His Majesty, the Emperor, at Potsdam, and on to the last speech delivered before leaving Bremen, backed up as the speeches were by the heartiness of the greeting received from all classes as we passed from place to place,—all convinced us of the genuineness of the desire of the German nation to live at peace and confine the rivalry between the two countries to friendly rivalry in the arts of peace. (Applause.)

The point of our visit was summed up in a resolution which I had the honor of moving at Berlin. It ran as follows:

"We are one in the earnest desire to do, every man of us, all that in our power lies to strengthen more and more the bond of peace between our peoples.

"We are one in the sincere request to all our compatriots to aid us in our endeavor so that the old voice of blood relationship may not call in vain, the old and the new voices of mighty spiritual influences and historical traditions may gain authority, and the eternal Gospel of Love may prove its sovereign power.

"Finally, we are one in our earnest prayer to the God of Peace that He will richly bless our work for His name's sake and the coming of His Kingdom."

A copy of this resolution was afterwards sent to all the representative assemblies of the various churches with a request that they would endorse the sentiments it expressed. This has been done by the Bishops of the Church of England assembled in Convocation, by the free Church Council and a large number of different churches separately.

It seemed to the representatives of the English and German Committees that it would be a pity if the fraternization which had been so helpful should terminate with the conclusion of the English visit and the passing of a resolution, and therefore it was decided to establish two Committees, one in England and the other in Germany, who should keep in touch with one another for the purpose of consulting from time to time when occasion arises as to the ways in which Christians of both countries can coöperate in the removal of misunderstandings and the promotion of friendly feeling. To these united Committees the following title has been given: "The Council of Christian Churches in the British and German Empires for Promoting Mutual Good Will, Friendship and Peace." Its objects are:

1. The associating of the Christian churches in the British and German Empires in the cause of international friendship.
2. The maintenance of brotherly relations between the British and the German peoples, and the inculcation in both countries of the Christian precept of good will amongst men.
3. The exchange of thought and information for the purpose of preventing international misunderstanding and distrust.
4. The furtherance of all efforts calculated to promote and preserve permanent peace between the two nations.

Shortly before I sailed, the Archbishop of Canterbury entertained in his historic palace at Lambeth, Dr. Speicker, the Chairman of the German Council, Dr. Siegmund-Schultze, its secretary, and the representatives of the English Council, and, on behalf of the Church of England, cordially endorsed the work of the churches associated in the cause of peace.

While there are special reasons at the present time for such coöperation between the churches of the British and German Empires, why should not all the churches in all countries be enlisted in this work? And this brings me to the mission with which Mr. Thomas and I have been entrusted by the English Council,—to appeal for such coöperation by the churches of the United States. We do not ask you to come and join our Anglo-German Council, for that has as its primary object the removing of misunderstandings between our two nations, but we venture to suggest to our brother Christians in the United States a far greater and more commanding rôle; namely, that they should take the lead in organizing among the churches a world-wide league of peace. (Applause.)

You are not only the greatest nation numerically, but your position outside and apart from the rivalries and jealousies of Europe eminently qualifies you to take the lead, and the fact that at the next Hague Conference will be inaugurated the Temple of Peace, which is being erected by the munificence of a citizen of the United States, makes it exceptionally fitting that the American disciples of the Prince of Peace should take advantage of that opportunity to summon a world Conference of representatives of the churches at The Hague. Such Conference could not fail to powerfully influence the opinion of the civilized world and strengthen the hands of the diplomatists in their endeavors to substitute for armaments and force the reign of reason and justice.

Allow me to commend this suggestion to the serious consideration of all the members of this Conference, and, through them, to the churches throughout the United States. (Applause.)

THE CHAIRMAN: The Dean of Worcester has referred to the next speaker as one of his colleagues on that famous trip to Germany. I present REV. WILLIAM THOMAS, of London, Secretary of the Metropolitan Free Church Federation.

THE DUTY OF THE CHURCHES IN REGARD TO INTERNATIONAL PEACE

ADDRESS OF REV. WILLIAM THOMAS

I want to convey to this meeting, if you will allow me, Mr. President, a message from Mr. J. Allen Baker, who was here last year, who was the president and chairman of the committee organizing the interchange of visits between the Christian churches of England and Germany. He authorized me to convey to you and to Mr. Smiley, personally, his expression of sorrow that he could not be here on this occasion, but his heart still beats with passionate desire for the peace of the world and for the success of this Conference.

You have heard the speech of my dear friend, the Dean of Worcester. I count it a privilege to heartily endorse every word he has said.

The interchange of visits between the Christian church of England and Germany was not a movement of man's device, but a movement which sprang from God. It originated at the Hague Conference. It came to the heart of my dear friend, Mr. Baker, who is a Quaker, in the form in which Quakers speak of a "great concern." It lingered in his heart for many months. He recognized more clearly as the months went by that it was really time for the churches of Jesus Christ to move in this matter of ending strife between nation and nation. There

came an opportunity through his association with a great organization in London of which he became president; and he utilized that position, with the cordial agreement of the association over which he presided, for developing this interchange of friendship between the Christian churches of the two nations. You have had it described to you; therefore I need not attempt to describe either the visit of the Germans to England or of the representatives of the English churches to Germany. One thing, however, I want to say. You have not heard of the most unique service I ever attended in my life on board the ship returning from Germany. A Unitarian presided at the piano; a Quaker presided over the meeting; a Wesleyan read the lesson; a Congregationalist led us in prayer; the Dean of Westminster and the Moderator of the Free Church of Scotland delivered the addresses; and the meeting was closed by a canon of the Church of England. I had never attended such a meeting in my life; I fear it will be long before it will be my privilege to attend another such.

I want to say also that I believe one of the greatest forces for peace in the world must be the church of Jesus Christ. I fully believe it. I have been delighted to hear representatives of the navy talk about peace. It is quite refreshing. I have been charmed to hear representatives of the army claim that they are missionaries of Jesus Christ. It is quite new to me. If I go back with nothing else from this Conference, I shall be delighted to carry that home. We have heard also how the democracy is working for peace and I claim that foremost of them all should be those who profess to be the followers of the Prince of Peace. But it is sad to reflect, Mr. President, that the church of Jesus Christ has not herself always been on the side of settling national disputes by peaceful methods. Indeed, she has often been on the side of strife itself; she has ventured to link the holy name of God with some sad and sorrowful scenes in the history of the past. Men have even praised God for killing their fellowmen by the most terrible methods conceivable to the human mind. The church has a sad record in the past. Worse than all, she has been silent when war has raged and when she ought to have spoken with a loud voice. In this she has not been consistent in her relationship with her Lord and Master.

The greatest anomaly to me in the world is for the church to send forth missionaries in the name of the Prince of Peace and at the same time to spend approximately hundreds of millions in munitions of war. It is a sad spectacle to see Christian nations armed to the teeth facing each other even though they profess to be doing so in the interests of peace. The gravest indictment against the church to-day is that she is failing to

influence public opinion on the side of peace between nations; that she is not succeeding in controlling the foreign policy of governments and the relationship of nation to nation, in such a way as to make war impossible. I want to say very briefly that the faith of the church of Jesus Christ should be equal to believing in its possession of a divine power sufficient both to create and to maintain peace between all the nations of the earth. We ought to believe that we have that power. I know that such a statement would be met by questions of competition, of supremacy, and of inevitable war, but the followers of Jesus Christ in all their calculations must calculate Him. We cannot think of the relationship of nation to nation without thinking of Him and in His presence competitions, whatever they are, can be righteously adjusted; in His presence, supremacy would cease to be a desirable thing; in His presence, the inevitable would be the existence of peace and love and brotherhood.

Peace is imperative for the realization of the ideal of Christ, the unity of all who profess to follow Him in one great family, the brotherhood of humanity, the doing of the will of the Father on earth as it is in heaven. For these ideals Christ came, taught, died; and upon those who follow Him rests the necessity to labor and pray for bringing about their realization. He has given us the flag of peace; it is for us to uphold that flag. You American brothers and sisters have done much through your diplomats and your organizations to bring about peace on earth.

The Dean of Worcester has made a strong appeal to you. I reiterate that appeal. Through the churches, resolve to make again another great movement; through the churches, take a foremost step in a great world-league of peace, and so unite the Christian peoples of the world that war shall be impossible, and thus help to bring in the reign upon the earth of the Prince of Peace. (Applause.)

THE CHAIRMAN: We are fortunate in being able to welcome to the Conference distinguished representatives of our neighbor, the Dominion of Canada. I have much pleasure in presenting as the next speaker His Worship, the Mayor of Halifax, Nova Scotia, Mr. JOSEPH A. CHISHOLM.

THE IMPORTANCE OF RIGHT INTERNATIONAL UNDERSTANDING

REMARKS OF HIS WORSHIP JOSEPH A. CHISHOLM, K. C., MAYOR
OF HALIFAX

I think I owe it to you, and possibly to myself, to say at the outset that I did not come to this great Conference with either the intention or the desire of making any remarks, or even with

the expectation that I should be called upon. I came rather in the capacity of a listener—anxious, eager indeed, to hear for the first time the strong appeals, the unanswered and unanswerable arguments, in favor of peace, which I have read oftentimes in the official reports of your meetings. I have been greatly impressed and greatly instructed by the superb addresses which have been delivered here to-day.

Looking over the past, it cannot be denied by anyone who prizes accurate statement and indulges in it that gigantic strides have been made within the memory of the youngest of us in the direction of an abiding, world-wide peace; and a large measure of the credit for creating and strengthening this pacific movement must be given not alone to the New England writers of the last century, to whom allusion has been made, but also to the men and women who have participated from year to year in the deliberations of these Lake Mohonk Conferences. The measure of success so far achieved begets a feeling of confidence that the time is not far distant, that the present century—perhaps the early part of it—may see its accomplishment, when nations, like individuals, will be willing to submit to the arbitration of some independent, impartial tribunal those complaints which heretofore in large part have been determined by the issue of armed conflict.

First of all, and particularly from the viewpoint of a Canadian, is to be noted the happy coming together in friendship of peoples who ought never to have been separated in enmity. There is an item in your programme which gives added emphasis to those happy relations, and it touches the imagination and warms the heart of a British subject to find you appropriating in your programme a place for a memorial service to a monarch who was dear to his own people, for whose welfare he wrought, and whose efforts to promote and preserve the peace of the world were not unavailing. A brilliant young man of my country whom we are fortunate in having present with us at this Conference, and who will speak to you to-morrow, pointed out in a public gathering held in this country last year that nearly one hundred years have elapsed since the American people and the British last met on the field of battle; and he made the happy suggestion, which I hope may be carried into effect, that the consummation of a century of peace should be commemorated in a manner worthy of so significant an event in the history of the two countries. Those hundred years have witnessed the submission to arbitration of many matters of dispute, and at the present time the work of settling a dispute of long standing between your nation and ours is about to be proceeded with at The Hague. If the English-speaking races of the world can thus agree why cannot the area for the peaceful settlement of

substantial disputes be enlarged so as to include all the Teutonic nations of the world? That should not be outside the realm of reasonable hope; and that accomplished, a larger understanding—one with the Latin races, whose gifts to civilization will by no means suffer by comparison with our own—would logically follow. Spreading from nation to nation of the same language, from nation to nation of the same race, the consent of all nations of whatever language or race, to agree to the peaceful solution of all international difficulties would not be long delayed. (Applause.)

A dispute, some kind of a dispute, always precedes the outbreak of war. But back of the dispute—behind it—there is usually a misunderstanding which ought to be avoided. Peoples of different nations misunderstand one another; and misunderstanding one another, frequently give unintentional offence. In this connection I was glad to hear the words of Dr. Arthur J. Brown this morning respecting the attitude of men of the white races towards the Asiatic—words full of meaning and full of warning. We should not regard these people or the people of any nation as “lesser breeds without the law.” The traditions of foreign nations must first be understood, their feelings when understood must be respected, and their equality as national entities must be conceded without reserve, before we can have any strong claim—or any claim whatever—upon their good-will. (Applause.)

THE CHAIRMAN: It is our good fortune to have friends near and friends at a distance. After hearing a representative of our neighbors across the imaginary line, which separates us from the Dominion of Canada, we shall listen, I know, with appreciation and interest, to a report of the people and government of Japan. I take pleasure in presenting Mr. MASUJIRO HONDA, formerly of the Higher Normal College of Tokio and now representing the Oriental Information Agency in New York City.

FAR EASTERN DEVELOPMENT IN ITS RELATION TO INTERNATIONAL PEACE

ADDRESS OF MR. MASUJIRO HONDA

A poet saw a man stretching ropes over the roof of his house to prevent birds from perching on it, and thought it very mean of him to refuse those innocent beings a resting place for their tired wings; but when a thinker learned from another man that he did likewise to protect from crows the frogs in his garden pond, he realized what a mistake it was to judge people without knowing their inner motives.

This is a reflection of the writer of one of the old classics of Japan. If international relations were as clearly defined as in this story,—the aggressor, the protector, and the protected,—this world would be far more peaceful than it is. Endless complications arise, however, for the simple reason that these factors constantly change their relative positions. The frog of to-day may be the crow of to-morrow, and man the protector often assumes the character of crows.

The small island nation of Great Britain grew into a great world empire; whereas, her American colonies, in their turn, became, first an independent nation, then a powerful empire. A hermit kingdom of the Far East, which was saved from likely aggressors by the United States but half a century ago, has now taken position in the ranks of first-class powers; and this latter change was largely due to the moral and financial support of England and America. As Great Britain is a buffer between the European and the American continents, so is Japan a buffer between the Asiatic and the American continents; at the same time, the Western hemisphere is a larger buffer between the two continents bordering the two oceans. If the Panama Canal had been opened in the middle of the last century, the destiny of China and Japan would have been something far different from what it was.

Japan, with her larger claims and new responsibilities, stands in need of learning, more than ever before, from the experiences of other colonizing and industrial nations. Whatever mistakes she may make, however manifold her shortcomings may be, her greatest ambition is not to be behind any other nation in trying to do the right thing in the right way. There are two currents of thought struggling for mastery over the Japanese mind at present,—the ideals of optimistic strenuousness, human freedom and industrial progress, on the one hand; and the tendencies to pessimistic decadence, bureaucratic interference, and military expansion, on the other. If our lot had to be cast with that of any two great peoples, we could not possibly have chosen better guides than this country and England. The latest triumph of your peace propaganda is the election of Count Okuma, our ex-Premier and ex-Minister of Foreign Affairs, to the Presidency of the Peace Society of Japan. (Applause.)

The onward march of Western civilization has now seized upon China. Japan is as keenly interested as the United States in the integrity and healthy development of that Empire as an Asiatic Power; but at the same time she fully realizes in what a delicate situation the Chinese Government is now placed. In spite of all the efforts to amalgamate the conquered race and the ruling Manchus, there are revolutionists abiding an opportunity to overthrow the existing dynasty by bringing trouble upon the

government. Another outbreak similar to that of 1900 will tighten the grip of outside Powers, if not bring about actual dismemberment. Japan knows well that if she demands too much from China, it will certainly create the desired chance for internal commotion, to be followed by external pressure.

Some highly imaginative writers assert that Japan is seeking to collect from the United States the indemnity which she could not extort from Russia. Unfortunately she has been too conservative to adopt so advanced a view of international economics. Our titanic struggle is turning to best account what we have in Formosa, Saghalien, Korea and Manchuria. China was all but resigned to losing the whole of Manchuria before the Russo-Japanese war. Japan should not expect China's gratitude for saving the territory outside the railway zone, but China is aware of the fact that the only tangible result of that enormous expenditure of blood and money is what Japan gained in Manchuria by concession.

The late General Grant, during his visit to Japan, pointed out to our Emperor that it would be for the common good of Japan and China to be friendly toward each other, and not to borrow Western money, in order that pernicious foreign interference might be avoided. But the times have radically changed since then. Now, more than one American capitalist would only too gladly advance funds to China as they did to Japan. Admiral Evans suggests in his recent book, that, if Colonel Roosevelt has been President during the China-Japanese war, the United States would have gained a coaling station from China; whereas, the anonymous author of "American Foreign Policy" seems to welcome the existing lack of harmony between the two Far Eastern powers. From a national point of view, it certainly would be a wise policy for the United States to avoid furnishing China and Japan with a common grievance; but it is only a step from this to befriending one at the expense of antagonizing the other, unless extreme caution and moderation be exercised.

America's economic expansion, imperialistic needs, and national gallantry may equally demand a dominant influence in the welfare of China; but both China and the Pacific Ocean are large enough to keep your country and mine friendly. If in your eagerness you try to drive out Japan from the only spot where she has any reasonable prospects of industrial development, you will eventually put her in the predicament of the present Germany, who, justly or otherwise, resents having been constantly thwarted and kept in the background by a dominant Power. An international difference of this description can hardly be adjusted by arbitration because it is quite indefinable and yet none the less momentous.

Standing as I do in a position of explaining America to Japan, and Japan to America, I am not afraid of scare-mongers and dealers-in-alarms half so much as the possible clash of the imperialistic needs and claims of the United States and Japan over the affairs of China. If such a question can be referred to international arbitration, we ought, before it is too late, to induce both governments concerned to so revise the existing arbitration convention that *all* disputes between the two nations may be submitted to arbitration. If, on the other hand, such a matter from its very nature cannot be so treated, your countrymen and mine should so guide and restrain our respective governments, that the essence of human progress—righteousness wedded to freedom—may continue to prevail in our international dealings as an elder and younger brother in the family of nations. (Applause.)

THE CHAIRMAN: Our next speaker will be a gentleman who was a member of the Third Pan-American Conference and who for some years past has been doing the nation valuable service in developing its relations with South America. I present Dr. L. S. ROWE, Professor of Political Science in the University of Pennsylvania.

SOME NEGLECTED ASPECTS OF THE PRESENT INTERNATIONAL SITUATION IN SOUTH AMERICA

ADDRESS OF L. S. ROWE, PH. D., LL. D.

I have selected as a topic for very brief discussion this evening the "Present International Situation in South America," not with a view to pointing out or analyzing the different problems that present themselves, but rather with a view to enlisting your interest and your coöperation in securing amongst the people of the United States a little better understanding of that very difficult, very complicated and, in certain aspects, very dangerous situation.

It is an interesting fact that just a century after the inauguration of the movement for independence, which marked the beginning of the series of international complications which finally led to the formulation and promulgation of the Monroe Doctrine, South America finds herself again confronted with the most serious international situation in her history.

This situation has been presented to the people of the United States as an indication of the unstable character of the Latin-American nations. The dangers of impending strife have been exclusively emphasized. This entirely erroneous impression is traceable to a failure to appreciate the deeply-rooted and under-

lying causes of the present situation. We have developed in this country the unfortunate habit of looking upon Latin-American internal and international politics as a mere play of personal interests. In the interpretation of the political situation of South America we do not look for those great economic, political and social forces which we regard as fundamental in explaining European or Far Eastern international politics.

We can never hope to get beyond a superficial view of the international situation in South America until we apply to it exactly the same principles of investigation and rules of interpretation that have given us a better estimate of international relations in other parts of the world. (Applause.)

When studied in a truly scientific spirit the international situation in South America not only acquires a new content and meaning, but considering the importance of the questions involved, we find displayed by most of these peoples a degree of national self-control and a spirit of compromise which deserve the respect and even the admiration of the civilized world.

It is not my intention, nor is there time to place before you any detailed statement of the present status of international affairs. I desire, however, briefly to summarize certain leading facts in the hope that it may develop a better appreciation of the strong and deeply-rooted desire for peace that exists throughout South America, and of the firm determination to do everything possible for the furtherance of this purpose.

You have all in mind, no doubt, the remarkable demonstration of national self-control shown both by Chile and the Argentine Republic in the settlement of their boundary dispute, a dispute which involved matters vital to the future of both these countries. There are, I believe, but few countries either of Europe, America or Asia, that would have shown an equal willingness to submit such questions to international arbitration and to abide without murmur by the award. The recent settlement through treaty of a complicated boundary dispute between Brazil and Peru is another striking instance of this spirit of compromise which we too often regard as absent in the countries of Latin-America.

There is at present pending between the Argentine Republic and Uruguay one of the most difficult and delicate international problems ever presented to two nations, namely the question of relative jurisdiction over a great stream—the River Plata. The closest historical analogy is to be found in our own policy with reference to the mouth of the Mississippi. The settled determination of the American people to control this stream is a matter upon which it is unnecessary to dwell at length. It became a fixed principle of American national policy. We would not entertain any plan of dividing control with Spain, France or

any other power and yet in spite of the difficulty of the situation we find both The Argentine and Uruguay making every effort to find a *modus vivendi*, and to eliminate this cause of constant irritation from their international relations. (Applause.)

If time but permitted, it would be possible to cite a long series of instances in which international conflicts have been averted by the display of an extraordinary spirit of national self-control and devotion to the cause of international peace. This is all the more remarkable when viewed in the light of our own early diplomatic history. The erroneous impression that has been created with reference to Latin-American affairs is due in part to the fact that the instances in which arbitral awards are not accepted without protest are given such prominence that they are made to appear the rule rather than the exception.

Permit me in closing to make a plea for the study of South-American international politics in the same serious and scientific spirit that has characterized our study of European and Asiatic politics. The forces underlying the adjustment of relations in the southern section of our continent are quite as fundamental and far-reaching as those that have determined European relations. A proper understanding of their true significance is of vital importance to us as a nation, as upon this understanding will depend whether such influence as we are able to exert will be intelligently directed toward the furtherance of justice and the maintenance of peace. (Applause.)

THE CHAIRMAN: In commenting upon the impressive statement which Dr. Rowe has just made, it is a satisfaction to be able to say that, according to dispatches which have been received in this room since the Conference assembled this evening, the offer of the United States, Brazil and Argentina, to unite in mediating the difficulty between Ecuador and Peru, has been accepted. (Applause.)

A short time remains before the hour for adjournment fixed by the business committee, and discussion under the five-minute rule is in order. The Chair recognizes PROFESSOR WILLIAM R. SHEPHERD.

HOW WE SHOULD REGARD LATIN-AMERICA

REMARKS OF PROF. WILLIAM R. SHEPHERD OF COLUMBIA
UNIVERSITY

Apropos of the remarks with which we have been favored this evening by Professor Rowe, and as one who is intensely interested in the welfare of our Latin-American neighbors, I wish to say something by way of corroboration of what he has placed before you.

It seems to me that the Lake Mohonk Conference may properly be regarded as representative of that degree of broad-mindedness for which we Americans are well known, and yet I am free to confess that there are evidences that even in this Lake Mohonk Conference we believe that the Latin-American countries are just in the position of that small boy about whom it is told that his mother regularly sent out the nurse to find out what he was doing and then tell him he mustn't. Prone to regard the Latin-American states as countries of no importance, and feeling that somehow or other their people are all the time dodging earthquakes or stirring up revolutions, the only way by which they can be kept in order, it would seem, is by chastising them occasionally. Why these ideas prevail, even in an assemblage of this sort, I cannot understand.

It may interest you to know that the proposal for arbitration as a principle of international polity originated in Latin-America and not in the United States; that it was one of the most eminent Latin-Americans, General Simon Bolivar, who was foremost in urging international arbitration as a means of settling international disputes. And it may interest you to know, furthermore, that the Latin-American states signed treaties of arbitration before the United States ever thought of doing anything of the kind. They may not have lived up to them in all respects, and yet they have shown a desire to avoid disputes if they can possibly do so. We still hear about internal revolutions; but they are largely a thing of the past. We must not forget that the United States grew up without tutelage. These Latin-American countries are just as capable of getting along without tutelage and do not thank us for it. We need to show them a spirit of broad-minded tolerance, realizing that they have difficulties to fight against of which we know nothing. (Applause.)

They have not enjoyed the advantages of European immigration and capital to the extent that has been ours; they have had to depend upon their own resources and in the family of nations have been snubbed and laughed at because they have not succeeded, when in reality they have not had the elements of strength which have enabled us to dominate the whole country from the Atlantic to the Pacific. The countries that are most advanced there are those that have had European immigration and capital as a means of strength in advancing their resources. I might say we owe most of our greatness to the aid we have received from abroad. The Latin-American states are receiving to-day such aid and what they need is the encouragement that a fraternal feeling would naturally dictate, and not a spirit of contempt which is so frequently shown. It seems to me the Lake Mohonk Conference might put itself on record as an assemblage of broad-minded citizens in favor of just that spirit

toward neighbors who are struggling to maintain liberty against odds, the nature of which is faintly comprehended. (Applause.)

THE CHAIRMAN: Discussion is in order, under the five-minute rule, at the pleasure of the Conference.

Mrs. EDWIN D. MEAD, of Boston: Apropos of what Dr. Brown said this morning in regard to the Chinese and Japanese, I want to say it seems to me there is one contribution which we women at least can make to this international problem. Many of the Chinese and Japanese students in our midst are going back to be framers of thought and leaders in their country, and many of them are going home, I fear, with simply the knowledge of the laboratory and dormitory, and without having seen many of our Christian homes. I believe if we women could see to it that special courtesies were offered to these keen, alert, courteous young men, they would go home with a very different feeling in regard to our society and to what Christianity stands for. I have had in my parlor a dozen of the Chinese students of Harvard and I have seldom seen brainier, keener, or finer young men. If we consider this matter thoroughly I believe we will be able to render a very great service to these students. (Applause.)

THE CHAIRMAN: If there is no further discussion, the Conference will stand adjourned until to-morrow morning, at ten o'clock.

Third Session

Thursday Morning, May 19, 1910

THE CHAIRMAN: We have arrived this morning at the heart of the great problem which confronts this conference and all bodies like it throughout the world,—the need of the establishment of an international court of justice.* In presenting the first speaker, I cannot refrain from saying that we do not yet know how much our country owes to his scholarly, persistent and intelligent work to this end from his important place in the government. I present the HON. JAMES BROWN SCOTT, Solicitor for the Department of State.

PROGRESS TOWARD AN INTERNATIONAL COURT OF ARBITRAL JUSTICE

ADDRESS OF HON. JAMES BROWN SCOTT

We are so accustomed to the close and intimate association of law and a court in which it is interpreted and applied that the existence of the one seems necessarily to imply the existence of the other, and jurists of reputation and standing have not hesitated to deny the character of law to usages, customs and regulations emanating from the supreme power of the State if a court of justice does not exist for their interpretation, application and enforcement. If this view of the necessary relations between law and courts of justice be acceptable, as to which there is much doubt, it must be considered as limited to conditions obtaining in the highly developed and centralized states of the present day. If the statement be made absolutely, without reference to time and place, it is untrue and unacceptable, because it is inconsistent with the elemental facts of legal history. Primitive communities existed without a law giver, usages and customs were obeyed without machinery for their enforcement, courts of justice appeared at a relatively late date in the history of such communities and their decrees are not always or necessarily enforced or enforceable by the state. If we admit law to be the command of the state, as to which again there is much doubt, the command is complete in itself without any determination of the channels through which

(*For convenient reference, the text of the "Draft Convention Relative to the Creation of a Judicial Arbitration Court," adopted by the Hague Conference of 1907, is printed in the Appendix of this report.—ED.)

it is to be enforced. A court of justice is essentially a means or instrumentality for the interpretation and application of principles of law and its duty is performed when it has decided the case submitted to its determination. The court does not enforce its decree, because its function is judicial, not executive; and the correctness of its interpretation is not affected by the fact that its decision is or is not enforced by the proper executive authority. When the Supreme Court of the United States decided the case of the Cherokee Indians versus Georgia it performed its full duty in the premises. It neither enforced its judgment nor took any steps to do so. The petulant declaration of President Jackson that "John Marshall has made his decision, now let him enforce it," did not in any way affect the validity of the judgment, although it manifested on the part of the president a confusion as to the proper functions of the court and the duty of the executive. The penalty attached to the violation of law, usually called a sanction, is not necessarily a part of the law, because the command exists with or without a penalty. It is a means of compelling obedience, but presupposes the existence of a command, to whose enforcement it is attached, and it is a matter of little or no consequence in practice whether the penalty be physical or whether the enforcement of the law be left to an enlightened public opinion, provided public opinion secures its observation.

Law may, therefore, exist as a command of the state, to use a familiar term of analytical jurisprudence; a court may exist for its interpretation and application; a sheriff, marshal, constable, or other executive officer may be designated to enforce the judgment and a penalty may be annexed to any violation of the command of the state, which we popularly call law. But each element is distinct in itself and independent of the others, and while we may be justified in asserting their presence, we should not forget that they are separate and distinct and not necessarily connected; for history shows that far from co-existing at the beginning of legal development they are in themselves the result of a long and painful process of evolution.

But the term "command," which we have used by reason of its familiarity, unduly narrows the domain of law, for it is inapplicable to the usages and customs which have grown up gradually in the course of centuries within a determinate political community. It applies to the Statute, which is but the product of yesterday. To bring usage and custom within the sphere of command, it is necessary to resort to the subterfuge that what the state permits it commands. It would be simpler to discard definitions and consider conditions as history has shown them to be, and if a definition be necessary, to frame it in accordance with the teachings of history rather

than to impose a definition subject to an exception, which largely destroys its value. If we consider the law of any particular community as the sum total of the usages, customs, statutes habitually obeyed, irrespective of their origin and irrespective of their means of enforcement, we have a statement broad enough to include the elements, which form the law of that community, without excluding any element which has entered into the conception of law. By so doing we eliminate the element of command which pre-supposes the existence of a conscious superiority and a dependent inferior and we admit the law of nation to full fellowship within the domain of jurisprudence. International law, like the common law, is a thing of usage and custom evidenced, as is the common law, by practice and observance. It is not imposed by a superior upon an inferior any more than the common law is a command. It is observed because public opinion insists that the principles of the common law be complied with.

In denying that a court of justice is essential to the conception of law, it is not meant to maintain that a court of justice is not an appropriate and under present conditions an almost indispensable concomitant. The purpose is to state, without, however, submitting proof, that usages and customs, recognized and enforced in the mutual intercourse of nations, may be law, and, in stating that the institution of courts of justice is in itself an evolution, to show at once the possibility of creating an international court of justice for the interpretation and application of principles of international law, and by analogy to demonstrate the necessity of an international tribunal which will do for the nations of the world what national courts have done for the interpretation and application of the principles of municipal law, by determining controversies peaceably and judicially without a resort to force.

Without going into details, which would be necessary to establish the contention that courts of justice were unknown in primitive communities, it may be proper to consider the course of development within one jurisdiction which has profoundly influenced the world, and this particular example is cited inasmuch as it not merely illuminates the question, but shows unmistakably the transformation of arbitration into a judicial remedy requiring for its further development an international court of justice. It may be confidently asserted, on the authority of von Jhering, that in the early period of Roman history there did not exist institutions which, without a misuse of terms, could be called courts of justice, and it is also the fact that legal machinery for the interpretation and application of controversies arising between Roman citizens was wholly lacking. The first stage of development in which each member of the community redressed his wrongs had

evidently passed and a sentiment existed requiring an examination and determination of the question, before self-redress should step in to right the aggrieved. It was, therefore, the usage and custom of the community to require that the controversy should be submitted to a stranger, an arbiter who visited the strip of land whose possession was claimed. The parties in dispute bound themselves to submit the question to the arbiter and to comply with his decision. A failure to give effect to the decision or a refusal to submit the dispute to the arbiter allowed self-redress to assume its former role. It is a matter of history that the person chosen as arbiter was often the king, who by reason of his divine origin inspired confidence, or the pontifex maximus, whose superior wisdom appealed to the parties litigant. In any event the agreement to submit was contractual, the appointment of the arbiter was voluntary and his decision was enforced by the individual litigant, not by the power of the state. In the course of time the magistrate was a preferred person by reason of his standing in the community.

A special body was, therefore, designated from which the litigants should choose the arbiters or judges for the particular case as it arose. The submission was, however, by contract and the decision was the personal opinion of the judge, nor was it enforceable by the state. As evidence of the non-official character of the decision, von Jhering mentions the fact that there is no instance of a tribune interposing his veto to an execution of the arbitral sentence, or *pronuntiatio*, as it was called. It was only under the Empire that official courts were established with official judges, whose decrees were executed by the state. We thus see that there are three steps in the judicial development:

1st. A contractual agreement to decide a controversy by arbiters chosen by the litigants;

2d. The appointment of a panel of competent persons, from which these judges should be chosen;

3d. The establishment of a permanent court when the Empire had become consolidated.

International arbitration has pursued unconsciously the same course:

1st. The formulation of a *compromis*—the *compromissum* of Roman law—submitting the case to the determination of the arbiter of the litigants' choice, king or pope;

2d. The creation of a panel of competent persons by the First Hague Conference in 1899, from which arbiters for a temporary tribunal for the decision of the controversy could be chosen; and now we stand upon the threshold of the third and crowning stage, namely, the establishment of a permanent

international court for the peaceable, orderly and authoritative decision of international controversies. The foundations of this court were laid by the Second Hague Conference in a draft convention* consisting of thirty-five articles adopted by it with the recommendation that the court itself be constituted through diplomatic channels. It is safe to presume that history will repeat itself and that international arbitration will develop an international tribunal, just as surely as private arbitration developed a national court, when the nations are convinced that the administration of justice is the chief concern of nations as it is the chief concern of individuals. It is also safe to presume that the establishment and successful operation of such an international tribunal will render to the family of nations the same services which municipal courts have rendered to individual litigants and the community at large. (Applause.)

It may be said, however, that the development here outlined applies solely to the adjustment of civil controversies in which the individuals are primarily concerned and the state but indirectly, if at all. The services which courts of justice perform in the settlement of such litigation are great and may be reasonably expected from an international court in similar cases. It may be queried whether an analogy could be drawn between the action of a state and international court in those instances in which the state primarily instead of the individual litigant is concerned. In civil cases the litigant demands restitution of property or damages for its unlawful detention or conversion, whereas questions involving public order, such as crimes, chiefly concern the state and are punished by the state. Self-redress has long ceased to be permissible in such cases, as the state appears in both as the representative of the individual to redress his wrong and the representative of the community in order to see that justice be done. It may be granted that self-redress in criminal matters is repressed by public opinion and by official instrumentalities, so that the individual, however wronged, who takes the law into his own hands is little better than an outlaw. Is it possible, however, to settle peaceably controversies of such a public nature as might lead to war unless they are satisfactorily adjusted, and is it possible that war, which is, in ultimate analysis, self-redress, that is, a proceeding to enforce a right or redress a wrong, can be checked or prevented by the interposition of a court of justice just as national courts of justice restrain individuals from a resort to self-redress? Let history again answer the question.

In primitive communities the individual possessed an undoubted right to punish a criminal, but public opinion, where it tolerated the right, nevertheless required that its

(*For text of this convention see Appendix.—Ed.)

exercise be regulated. Alongside of courts of justice, in which adequate punishment could be secured, the individual possessed the right to redress the wrong by extra-judicial means. The judicial combat and the dueler's code subsisted, but public opinion has condemned both. Judicial combat has passed away because the redress of a court of justice was more satisfactory. Duelling is indeed heard of occasionally, but it has long ceased to play any recognized or legitimate rôle. The court of justice has triumphed, not merely by statutory enactment, but because it has justified its right to be considered as a substitute for self-redress and public opinion would not tolerate a return to former conditions. Within national lines the judicial settlement of controversies is the rule, the resort to self-redress, the exception. But can we expect the same development between nations that has taken place within them? The answer of history is peculiarly encouraging and the lines of progress are clearly marked and defined. There is, however, an inherent difficulty because nations are treated as equal, independent units above which there is no superior, although a recognition of the dependence of each upon the other under the pressure of enlightened public opinion has substituted interdependence for independence and is creating a solidarity almost akin to confederation.

In primitive time tribe warred against tribe to redress real or fancied wrongs. The outbreak of war depended solely upon the will or whim of the parties in controversy and the conduct of war was as unregulated and undetermined as its causes. In the next place we know that war, which is recognized and permitted, is, nevertheless, subject to regulation just as the resort to individual combat was permitted, but regulated. We recognize at the present day that war is an extra-judicial remedy to which nations may resort, but ever since the masterpiece of Grotius appeared in 1625 nations have regulated its exercise. The court of justice displaced judicial combat, because the reasonableness of judicial procedure appealed to the community and judicial combat fell into disuse. Nations, however, have not been content to regulate the conduct of hostilities, but, in 1907, they created an international court of prize, whose judgments will undoubtedly prevent a resort to arms for the settlement of a particular category of cases arising out of war. Is it not fair to presume that the court of justice will triumph in international law, just as it has triumphed in municipal law and that the resort to self-help will yield to the resort to the international court; that it will be an acceptable substitute in the one case as in the other, and that the appeal to arms for the settlement of questions susceptible of judicial determination will be the exception in international law, as it is universally in municipal law? We thus see that private arbitration led

to the institution of national courts of justice. We also see that the institution of courts of justice has displaced self-redress, whether in the form of judicial combat or duelling. May we not confidently expect that the international court will supersede war which is self-redress between nations by the substitution of a judicial for an admitted extra-judicial proceeding? The internal development of nations leads us to believe that the external development will reach practically the same conclusion. (Applause.)

It is not the present purpose to pursue the analogy further. It is, however, my great pleasure to announce that a Court of Arbitral Justice, capable of deciding all questions of a judicial nature is in the process of composition; that a project of thirty-five articles dealing with the organization, jurisdiction and procedure of such a tribunal was adopted at the Second Hague Conference; that the establishment of such a tribunal through diplomatic channels was recommended by the Second Hague Conference; and that the Secretary of State is at present engaged in negotiations for the organization of the court. In the fall of last year he addressed an identic circular note to the powers represented at the Naval Conference held in London, from December 4, 1908, to February 26, 1909, proposing that the composition of the Prize Court, which may be considered as an existing institution, be adopted for the composition of the Court of Arbitral Justice. He suggested that the International Prize Court be invested with the jurisdiction and functions of the Court of Arbitral Justice and that when sitting as such it act in accordance with the draft convention for the arbitral court. The acceptance of this proposal would secure not only an international judiciary for the determination of prize cases, that is, controversies arising out of war, but create an arbitral court for the determination of international controversies arising in times of peace. It is, however, immaterial whether the jurisdiction and functions of the Prize Court be thus enlarged or whether the system of composition of the Prize Court be adopted for the Court of Arbitral Justice. This is a question of form. The establishment of a Court of Arbitral Justice either as a chamber of the Prize Court or as a separate institution is a matter of substance and either method is acceptable to the friends of progress and therefore of peace.

The need of an international court is evident and the advantages to be reasonably expected from its successful operation are many and varied; and the arguments by which the court could be justified are at once apparent to any well-informed and intelligent person. At the present day the existence of law presupposes a court of justice for its interpretation and its application to any cases submitted for determination, and there is no reason why international law should not have an international

tribunal for its interpretation and application, without forcing or permitting nations to resort to self-redress, as formerly was the case with individuals in primitive communities before courts of justice were established. Nations have bound themselves by treaty to submit their controversies to arbitration, and it is essential that a tribunal should be constituted to which they may resort.

We thus have a system of international law, a controversy susceptible of judicial determination by the principles of this law, and we have the expressed willingness of the nations in controversy to submit their claim to arbitration. Unfortunately, however, the court does not exist to which they can appeal, for the so-called Permanent Court of the Hague is not in any real sense of the word a court. It is at most a list of judges from which a temporary tribunal can be selected for the trial of the case, and it passes out of existence with the settlement of the controversy which called it into being. Experience shows that it is difficult, time-consuming and expensive to constitute a temporary tribunal. The decision when reached is binding upon the parties, but it does not bind another temporary tribunal which may be organized in its decision of a not dissimilar case. One of the functions of a court is to determine the law and to establish it as a precedent for courts of justice which may subsequently be called upon to decide a question of a like nature. In such cases there is continuity, but in the case of temporary tribunals, there is a lack of continuity, and we cannot hope for the logical and unerring development of international law from isolated cases, tried before temporary tribunals having no necessary connection with each other.

Again, an international treaty or convention to which all the nations or many of them are parties, should be interpreted by an international tribunal created by them and by whose decision they are bound, just as a decision of the Supreme Court of the United States binds the forty-six states which are members of the Union. If this be not the case, the interpretation of the court merely binds the parties litigant and confusion is likely to arise where precision and certainty are essential.

The further development of arbitration requires the presence of an international tribunal to which the controversy may be submitted as it arises, before passion and prejudice shall have embittered the foreign relations of the countries in controversy, a tribunal in existence or so composed that it may be called into being the moment the controversy arises, a tribunal whose judgment binds all nations, because all nations are parties to its establishment, and whose decisions bind the judges in their subsequent determinations of like questions. At present the invitation to arbitrate is an invitation to wrangle over the composition of a temporary tribunal; whereas reason

and experience require that the tribunal should be in existence for the decision of the case.

Again the expenses of a temporary tribunal are borne by the litigating nations, rendering the resort to arbitration not only difficult and uncertain in result, but expensive, so expensive, indeed, that smaller nations may well hesitate to arbitrate the controversy which, were it not for the cost, they might not hesitate to do.

Secretary Knox has recently addressed a circular identic note to the Powers, requesting them to collaborate with the United States in the establishment of a truly permanent tribunal, composed of professional judges, which tribunal shall be at The Hague, ready to receive a case when it is presented, and to decide it according to the law and evidence, without the delay or friction so often involved in the creation of a temporary tribunal. The expenses of this court are to be borne by the nations participating in its constitution and the decision of the court will not merely decide the individual questions submitted, but develop the common law of nations just as clearly and scientifically as the courts of England and the United States have developed the common law.

The Secretary of State, the Honorable Philander C. Knox, authorizes and directs me to say officially that the responses to the identic circular note have been so favorable and manifest such a willingness and desire on the part of the leading nations to constitute a Court of Arbitral Justice, that he believes a truly permanent Court of Arbitral Justice, composed of judges acting under a sense of judicial responsibility, representing the various judicial systems of the world and capable of insuring the continuity of arbitral jurisprudence, will be established in the immediate future and that the Third Peace Conference will find it in successful operation at The Hague. (Great applause.)

THE CHAIRMAN: We have listened to a most impressive and encouraging declaration. For the Conference, I ask the Solicitor to convey to the Secretary of State an expression of our appreciation of his action in selecting this conference for his first official public statement as to the progress of this great undertaking, and to congratulate and thank the Secretary for the successful prosecution of these most important negotiations. (Applause.)

As the next speaker, I have pleasure in presenting the Hon. H. B. F. MACFARLAND, late Commissioner of the District of Columbia.

THE HOPEFULNESS OF THE KNOX PROPOSITION

ADDRESS OF HON. H. B. F. MACFARLAND

Dr. Scott who has just spoken to us, is the official spokesman of the Department of State and he speaks necessarily in solemn and significant general terms. I was liberated from public office in January last and am now an American sovereign, or as near as any man ever gets to being a sovereign in the United States with the superior sex always ruling—at least, I am a plain, ordinary lawyer, and even if I do live in Washington, I am not obliged to take the official view. Therefore, what I have to say in the few moments allotted to me, will be, as it were, the view of an outsider.

I am not answering officially the question that Dr. Trueblood suggested yesterday, or which may have arisen in your mind as you heard the declaration of the Secretary of State, which seemed to make any further comments unnecessary; but I may say, what is apparent outside of the Department of State, that this proposition of Secretary Knox, with which, let me say, Dr. Scott himself has been intimately associated from the time when he saved the day for us in the Second Hague Conference to the present hour, is full of hopefulness because of what has already taken place in that Second Hague Conference, and of what must inevitably take place in view of the fact of the proposition itself and of the way in which the great nations, and for that matter, the smaller nations, are committed to it in principle.

We do not have to have the correspondence now going on between the United States and the Powers to know that Great Britain and France and Germany are committed in principle to this proposition. We all know that with their allies they are all Europe and part of Asia, and that we with our friends to the south of us are the rest of the world. Therefore, it is a very simple sum in arithmetic to count up the states which may be expected to support this proposition. It may be that it will not be adopted unanimously in the first instance, but suppose it is adopted by only half of the forty-four states which were represented in the last Hague Conference, and suppose that twenty or twenty-two states which might thus adopt it, and which we believe will thus adopt it, do set up this high court of justice at The Hague, is it not clear that once established, that once making its decisions, it must draw sooner or later the adherence of all the other civilized nations of the world? Just as our own Supreme Court, which was established in the year of the Constitution but for five years was almost neglected before an important case—*Chisholm v Georgia*—appeared, and for years after that was considered a court from which the judges might resign without being accused of for-

feiting any ambition,—just as that court, by the authority of its judgments, gradually brought all the states of the Union into an acceptance in fact of what they had accepted in theory, so this high court of justice at The Hague, however begun, will inevitably draw the support of the whole world. It will, of course, be composed of the greatest jurists. Men like Governor Hughes, who is now turning away from a possible nomination to the presidency, and certainly from a great, honorable and lucrative law practice, to serve his country on its highest court, will serve the world on that highest court. And even if a Marshall does not appear immediately, its judgments will command the respect of the world through their reasoning and impartiality. (Applause.)

While the Knox proposition of October 18th, 1909, suggested to the Powers that the International Prize Court might be utilized by an extension of its functions as a general international court of arbitral justice, it is not necessary that the determination of the Second Hague Conference that an international court of arbitral justice should be established shall be carried out in that way. It is extremely probable that in order to preserve the integrity of the International Prize Court to whose composition large and small nations alike have agreed and also to give greater prestige and dignity to the international court of arbitral justice, the latter will be established separately as an independent tribunal and not as a chamber of the Prize Court. There is every reason to believe that already a dozen powers, including most of those called first-class, have agreed that the international court of arbitral justice should be set up independently and that when fifteen or twenty nations have concurred it will be so organized and started.

It seems entirely probable that such a court may be agreed upon and established by 1912, and by the time that the next Hague Conference meets in 1915—if that be the year—it will already, through the initiative of the United States, if in no other way, have had the opportunity to pass upon one or more important questions, to establish its practice, and to establish its reputation in the world, so that it does not require a stretch of the imagination, any more than it requires an examination of the secret correspondence of the Department of State, to know that it must come to be what we all hope it will be, the place for the settlement of great disputes of the nations. (Applause.)

There are many questions, of course, of difficulty, but no difficulties which are insurmountable. These difficulties appear much more formidable in academic discussion and on paper than they do in fact. When you have an institution founded upon reason and exercising its power with judgment, the minds of men and the minds of nations are drawn to it in spite

of all theoretical objections and it will win by the force of its genuine authority, so that those of us who are looking forward to going to The Hague in 1915 may there see this court—a real court of real judges, applying real law in great cases between nations, sitting as the greatest tribunal in history and with promise for all time to come. (Applause.)

Mr. Samuel J. Elder of Boston, who, with Dr. Scott, is associated with Senator Root in the Newfoundland Fisheries case soon to come before the Hague tribunal, at the dinner of the American Society of International Law in Washington two years ago, spoke of the new court house in Worcester, Mass. upon which they had placed the inscription, "Obedience to Law is Liberty," and he said that Senator Hoar objected to it saying in 1776, in Massachusetts, obedience to law was not liberty. Whereupon they invited him to write an inscription, and he wrote, "Here speaks the conscience of the state, restraining the individual will." Mr. Elder said he hoped, and we may confidently share his hope, some day to see at The Hague in the Temple of Justice a high court of the nations sitting, and that then we might write on that temple, "Here speaks the conscience of the world restraining the individual state." (Applause.)

THE CHAIRMAN: The discussion of this subject will be continued by an old and valued member of this conference, whose opinion on such questions is always in demand, HON. SIMEON E. BALDWIN, Professor of Constitutional and Private Law in Yale University, and until recently Chief Justice of the Supreme Court of Connecticut.

THE PROPOSED INTERNATIONAL COURT OF ARBITRAL JUSTICE

ADDRESS OF HON. SIMEON E. BALDWIN

One of the books of last year that will be longest remembered is that of Dr. Fried, issued from the Leipsic press, with the title, *Der kranke Krieg*,—War, fallen sick. The image thus presented to us is a striking one. War has passed its prime. It is on the down-hill road of life. It has not lost its teeth. They are longer, and even sharper than ever. It has lost its nerve, its inspiration, its heroic qualities, its *raison d'être*.

There was something inherently noble, as well as savage, in the war of the ancients. We shall never tire of reading of the mighty deeds of Homer's heroes; of how Horatius kept the bridge in the brave days of old; or of the armored knights of the age of chivalry. Personal courage and address will always be admired. But more and more the use of gunpowder and high explosives have beclouded the battle field and de-

graded it. More and more, at the same time, have the occasions of war diminished. Modern political society has other ends than the aggrandizement of a ruling dynasty or a ruling class. Misunderstandings arise less frequently, as nations have climbed to a common standard of civilization, and when they can be corrected through telegraph and cable with the speed of lightning.

The prevailing condition of organized society in the world at large is that of peace. It is to such a world, well understanding the blessings of peace to the common people, for whom governments are instituted, and with war drooping in the background, that the last Hague Conference has offered a better court of peace, and a better court of war.

There are faults in the scheme of the existing court of nations set up by the First Hague Conference which have often been spoken of here in previous years. All are agreed that the world is ready for something better,—something more fully of a judicial character.

This general attitude of readiness to take another step forward seems justified by three main considerations:

1. The Hague tribunal, as it now exists, has proved, by actual practice in important causes, its capacity to deal effectively with litigated controversies between nations. It has also shown itself so unwieldy and loose-jointed as to make it plain that something better can be devised, which will deal with them more effectively. A panel of a hundred judges, of which, during nearly a decade, not a third have been chosen by any nation to sit in its cause, has proved itself too large. Nor is the judicial character of its membership sufficiently guarded.

2. The world has been rapidly growing more compact and more homogeneous. Constitutional government has become almost universal and constitutional government always elevates the office of the judiciary, and tends to establish popular regard and reverence for the law which the people itself creates.

In the "Roman Journals"* of the German historian Gregorovius, one of the entries—in 1866, as Italy was just coming into national life—is a forecast of the future of Europe.

"History," he wrote, "which had formerly operated on a small capital, now deals with a large one. This is a consequence of railways and telegraphs, which shrivel up kingdoms, and consequently must necessarily annihilate political differences in nations. A time will come when Europe herself will be a federal republic, formed of a few nations, the families of this continent."

Whether this be or be not true of the Europe of the future, it is certain that every nation is steadily shrivelling, and, there-

*P. 269.

fore, that the world, which they compose collectively, shrivels with them. Partly in consequence of this, there is coming to be, more and more, a jurisprudence of the world founded on common principles.

As to those of a political character, this flows naturally from the general extension of constitutional forms.

As to those relating more particularly to private rights, the closer knowledge which all nations have gained, by closer intercourse with the institutions of each, has led to a process of assimilation.

The steady recession of the area of extraterritoriality, in respect to the jurisdiction of courts in the Far East, is a strong witness to the approximation already attained in Eastern and Western methods of administrative justice.

Japan long since shook herself clear of Western judges. Last year, Great Britain, by a convention with Siam, agreed to relinquish her consular courts in that kingdom, retaining only for British hereafter coming there, a right to have a British assessor, in cases concerning their interests, sit with the Siamese court.

The convention for a uniform civil procedure in certain matters, framed by the Congress of Montevideo in 1889, and those of a like nature proceeding from the four Congresses of The Hague for the advancement of private international law and the diplomatic Conference of 1909, at Brussels, all testify to the possibility of disposing of some classes of law suits, wherever they may be brought, by one rule of remedy as well as of right.

3. A broader basis of action had been attained. The tentative character of the Hague Conference of 1899, with its membership of twenty European, four Asiatic, and two American powers, was accentuated by the fact that it was so partial in its composition. In the conference of 1907, forty-four of the fifty-seven nations in the world claiming to be sovereign took part, and no considerable power was absent. This gave it a right to speak and plan for all mankind, in working towards the achievement of a common purpose.

The convention of 1899, establishing the Hague Tribunal, had also obtained, by 1907, the adhesion of forty-four sovereign powers.

The practical difficulties in constituting the new court are greater than we could wish. It was comparatively easy to agree on a scheme for an International Prize Court. That would have jurisdiction only over a narrow class of causes. It would be bound to decide them according to rules which had grown up in a long course of centuries as the law of the sea; and as the sea belongs to no one country, no one country has dictated or can dictate its laws. The cases of prize to which

this general maritime law of the world would not apply were few. In those few, no one could seriously fear any substantial danger from allowing a court of trained admiralty judges to do what the convention proposed, that is, to "give judgment in accordance with the general principles of justice and equity." Nor could the smaller powers, in the reason of things, expect such a full representation on the court, as the great ones, from which most of its business would come and by the tribunals of which admiralty law had for ages been mainly administered.

The International Prize Court moreover was to decide controversies in which rights of private property were to be determined and private individuals were parties. The International Court of Arbitral Justice is a court only for nations to sue in, and may deal with any subject as to which nations may dispute. It does not have such fixed rules to go by as govern the decision of a Prize Court. It is, indeed, not, like the International Prize Court, a court of law, but a court for doing justice by arbitration. Its name, expressed in carefully selected terms, not those which the delegates from the United States would have preferred, is not a "Cour de Justice," but "Cour de Justice Arbitrale."

This word "arbitrale" carries a large discretion to the judges. It was meant to do this. The very first line of the project of the convention states its purpose to be to advance the cause of arbitration (*de faire progresser la cause de l'arbitrage*), and assure the continuity of the jurisprudence of arbitration (*jurisprudence arbitrale*).

The judges of the Prize Court must be trained lawyers (*jurisconsultes*) of recognized competence to deal with questions of international maritime law; while it is enough if those of the Court of Arbitral Justice are either trained lawyers conversant with international law, or qualified under conditions requisite in their own country for admission to its high magistracy (*la haute magistrature*). This may be fairly taken as implying a judicial magistracy, but it is common knowledge that seats in such tribunals have, in many countries, been occupied by those who have had no expert legal training.

The convention of December 20, 1907, between the five Central American powers, for the establishment of a Central American Court of Justice, while giving each the right to appoint a judge, requires them all to be both trained lawyers (*jurisconsultos*), each having the qualifications demanded by the laws of his country for those exercising its highest magistracy, and men of the highest consideration for professional ability (*competence professional*).*

It will be recollected that the convention for establishing the Prize Court, provides for fifteen judges, of whom there

* Am. Journal of Int. Law, II, Suppl. 233.

shall always be one from each of the great maritime powers.* Every other power can name a judge, but he can act, as such, only in a prescribed course of rotation, which would give the Siamese or Servian judge, for instance, an opportunity of sitting only one year in every six.

To this the minor powers might well agree, in a court for trying a single class of cases, mainly affecting private individuals; but was it to be expected that they would, with equal readiness, concur in submitting great questions of national right to a tribunal of arbitration, in the composition of which their share, both individually and collectively, was so slight?

That the identic circular note of our government, of October 18, 1909, issued to thirty of the powers, has not yet resulted in any general diplomatic agreement, ought not therefore to surprise us. It is much, that as we have heard this morning, it has been accepted, at least in principle, by many of the powers, and that the President of the United States has publicly announced his hope that the project thus proposed—that of making the judges of the Prize Court *ex-officio* judges of the Court of Arbitral Justice—will meet with ultimate success, and his assurance that, by some such methods, “in the not distant future, there will be a forum open to all nations having a confidence in the justice of their respective causes, which will make them willing to substitute in the settlement of controversies the deliberate and righteous judgment of an impartial tribunal for the antiquated method of force.”

The press informs us (and it is never impossible that what a press correspondent may telegraph is true) that France first expressed herself as not unfavorable in principle, to the project of our government, but with a reservation of her definite answer, until she could consult Russia; that Russia, when thus consulted, intimated her disapproval; and that France consequently withdrew its qualified assent.

It is not difficult to conjecture the reason for such action,—or inaction.

The relations of Russia to China and Japan are such as demand the utmost delicacy in treatment, especially in view of the treaty between Japan and Great Britain. Japan, it is said, gave her substantial assent to our proposal. It would not be strange had Russia deemed this a reason why she should hesitate to give hers.

The wide sweep of the jurisdiction confided to the new court, for obvious reasons naturally calls for serious consideration, on the part of every nation, before fully assenting to the step suggested by our government.

* Germany, the United States, Austro-Hungary, France, Great Britain, Italy, Japan and Russia.

Arbitration, as a term of international usage, was formerly considered as applicable in its nature only to differences of a juridical as distinguished from those of a political nature.* This can hardly be accepted as its present meaning, in view of the many existing treaties between nations in which it is given a larger scope. The new court of arbitral justice, therefore, might be called upon to determine questions vitally affecting the honor of a nation or the integrity of its territory. True, no nation need consent to such a reference, but in a case where the public opinion of the world might seem to demand it, a refusal might be embarrassing.

The difference in these respects between the new Court of Arbitral Justice and the permanent Hague Tribunal, as constituted in 1899 and reconstituted in 1907, is considerable.

The latter defines the object of international arbitration to be the determination of controversies between nations by judges of their own choice and on the basis of respect for the law. Law is to be respected; but does this necessarily import that it is always to be followed? Is it not intended that the arbitrators shall act with a certain discretionary authority to depart, if they deem it reasonable, from what the law might seem in strictness to require?

Again, in coming before the present Hague Tribunal, each nation has its voice in the choice of the judges, for the special case which is to be heard. The constitution of the Court of Arbitral Justice will be unchangeable in all cases. It is, therefore, of the utmost consequence that every member of its bench should be well qualified to pass upon every case that may come before it.

Presumably the judges of the present Hague Tribunal are, for each must be familiar with the whole subject of international law (*d' une compétence reconnue dans les questions de droit international*). Of those of the International Prize Court, however, (aside from their general professional training) familiarity with international maritime law only is required. A judge fully conversant with maritime law, national and international, might be quite inadequately acquainted with those principles and precedents of international law which do not concern maritime affairs. While this would probably rarely, if ever, happen, it would be by no means impossible. Such a judge, if made a member of the Court of Arbitral Justice, would certainly be out of place.

The salaries and allowances fixed by the convention for the judges are quite moderate, but the distinction of the office is such that there would never be any difficulty, in the larger countries, at least, in finding suitable men who would accept it.

* Merignhac, *Droit Public International*, I, 486.

Of the obstacles which have been mentioned to a speedy constitution of the new tribunal, it would seem that many, and perhaps all, could be removed, if a friendly understanding could be reached as to who should be selected as its first judges. Everyone is ready to submit a cause to a bench in which everyone has full confidence. There are many jurists in the lesser nations, and more in the larger ones, who have a reputation both for learning and candor, spreading far beyond their own particular country. Of the members of the present Hague Tribunal, several were appointed by countries to which they did not belong. Might it not be possible for a special conference of all the powers to be held for the sole purpose of considering, in a frank spirit of mutual confidence, the selection of fifteen judges, on nominations previously made by each power? (Applause.)

Our delegation brought forward, at the Hague, a proposal for a selection by correspondence. Each power was to name one person, and then, from the forty-six names thus suggested, vote for fifteen, the fifteen having the most votes to be the judges.* This met with no favor. Obviously it opened a door to concerted action by the smaller powers, under which they might obtain an undue influence in the choice. The other course now suggested accords with the custom of nations, in appointing a foreign minister, to consult the government to which he would be sent, as to whether the appointment would be agreeable. The judge of the Court of Arbitral Justice is a judge for the world. Accredited to all nations, nothing could be more desirable than that, so far as possible, his appointment should receive the consent of the world.

I cannot share the apprehension of some, expressed yesterday upon this floor, that should the project of this convention be approved by a substantial number of the powers, and a court organized by their action, whose doors should be open to every power, the formation of a truly universal world-court of justice would be delayed or prevented.

On the contrary, it would seem to me that such action would be a natural stage in the evolution of such a court.

Central America has already done this. A court of international justice with its seat at Cartago, for five powers, has now existed for years. It has tried causes and rendered judgments. If a dozen other powers should establish a like tribunal at The Hague, whether one to stand by itself or as a Chamber of the Prize Court, it would be simply a second advance towards the desired end. Courts of groups of nations, under the consolidating tendencies of modern life, national and international, naturally make for the ultimate constitution of one court for

* Scott, *The Hague Peace Conferences*, I, 459.

all nations, or for all whose state of civilization justifies their participation in its formation. (Applause.)

THE CHAIRMAN: As the next speaker, I present MR. THEODORE MARBURG, of Baltimore, President of the Maryland Peace Society, and Secretary of the American Society for the Judicial Settlement of International Disputes.

THE SIGNIFICANCE OF THE INTERNATIONAL COURT OF ARBITRAL JUSTICE

ADDRESS OF MR. THEODORE MARBURG

It was nothing less than a stroke of genius which prompted James Brown Scott to suggest to the State Department of the United States that our country move the establishment of an international court of justice. Several illustrious persons have been credited with the idea of this court. I am afraid that not even Mr. William Penn is the originator of it. We know of the great design of Henry the Fourth with which Penn was familiar; we know that for generations some such institution has been in the minds of leading thinkers. The world has been waiting for it. The important thing was to take steps to realize it; and for that suggestion we are beholden to James Brown Scott, just as we are indebted to Elihu Root for the initiative—the actual instructions to our delegates to the Second Hague Conference to endeavor to secure such a court—and to Philander C. Knox for the effective prosecution of the project. (Applause.)

America above all countries is in a position to make the proposal for the establishment of an international court of justice. It comes with better grace from her because of her advantageous geographical position, remote from powerful neighbors; because she is not regarded with the same jealousy and suspicion with which the leading European powers unfortunately regard each other; because her military budget, while ridiculously large, does not weigh her down as similar budgets weigh down the great European nations. It comes with force because she has an effective navy. Assume that Russia to-day should suggest the suppression of navies, or that China should propose the abolition of both naval and land forces. In the first instance it would be the exact parallel of the *Æsop* fox that had lost its tail; and in the second, the case of a fox that was so neglectful of appearances as to forget to grow a tail.

Our navy must be kept effective until, by common agreement of the great powers, the growth of armaments is checked. The powers that have formidable navies are few. It is quite thinkable that they should come together and agree to abate

armaments. It can be done; it is a reasonable and realizable project; but it must be done in concert.

At present America has an effective navy. When we speak on the subject of a court we speak with the more effect because of that fact and because the world knows that back of that navy is a people of boundless resources and boundless will. It is the will of man, God-inspired, that determines what man shall be. It is human will that has made human history. If America wills that this thing shall be done it will be done. Moreover, Europe knows that in advancing this suggestion America is motivated by no fear except the fear of doing wrong, which is the only fear that any man or any woman or any nation should have under any circumstances.

We have had a most encouraging message this morning—the court will be established. Furthermore, as Mr Macfarland has pointed out, when it is once inaugurated by a few great powers, there is every reason to believe that other powers will adhere to it. Now, the proposed constitution of this court has been criticised. Criticism is helpful, particularly before the event. But there are certain answers to these criticisms. Objection has been made that not all the nations of the world are to be represented in equal proportion in the court. What does that suggestion involve? The United States is so preponderant on the American continent that such a plan would result in the practical packing of the court with American sentiment. Europe would justly view it with suspicion. She would hesitate seriously before consenting to go into a court where the majority of the judges were men controlled, possibly not consciously, but certainly unconsciously, by the will of a dominant country. Many of the South and Central American states are backward states. We must face the facts. We have just seen South America practically reject two arbitral awards. In the case of one of them, the nature of the decision leaked out and without awaiting the giving out of the award the people of Ecuador indulged in such disorder as practically to reject an award not yet rendered.

By all means lend a helping hand to Central and South American states. Recognize the difficulties that confront them. Make full and free acknowledgment of any contributions they may make to human progress. But whence comes the strong tide of that progress, scientific, political and ethic?

Our sympathies are with Europe. Our civilization is European. The geographical view of this question is the narrow view. It is the great powers of the world that determine the world's peace on a great scale. It was remarked only yesterday that the small powers do not make real war. Why then do we need them in the court? Let the great powers that can make real war and terrible war agree to set up a court

of justice and the thing is done. And again, it has been suggested that we should have a court for the two Americas exclusively. If constituted on the principle of the equality of nations, would it not be apt to prove a failure, and would not that very failure jeopardize the great cause we have at heart, the cause of a true international court? Another criticism advanced against the present plan is that it fails to provide district courts. That suggestion is of value and it may ultimately be realized. But why do we have district and circuit courts in the United States? Is it not to relieve the Supreme Court? And why do we need district courts as a part of an international court until it shall be proven that this international court is over-burdened? That is a development which may well come later.

Naturally the question arises as to the sanction back of this court. When the municipal court speaks it has back of it the sheriff, the constabulary and, as a last resort, the army. Naturally the mind jumps to the conclusion that a similar sanction is needed to enforce the decrees of an international court. But is it? Within the state we are dealing with millions of citizens. The police are needed to detect the criminal. The police, and sometimes the military, are needed to enforce the judgment of the court, to stand between that court and popular emotion—undue prejudice, either in favor of or against the criminal. What is the case with respect to an international court? The family of nations consists of some fifty odd members. What they do is done in the eyes of the world and it is easy to bring public opinion to bear upon it. We know that social ostracism is, after all, the great force making for law and order and decent conduct, and the contempt of the world may prove equally effective as against a nation which has agreed to go into a court and to abide by its decision, and which shall then attempt to say, "we will not accept this decision because it is not in our favor." Examples of such desperate action will be rare, the more so because of the lurking consciousness that it is always possible for the powers to act in concert and meet unreason with physical force. At Navarino (1827) we saw the combined English, French and Russian fleets smash the Turkish fleet and liberate Greece. More recently (1900) we saw the soldiers of various European nations and of America marching shoulder to shoulder to the relief of Peking when that dastardly attack was made on our legations. These are only the beginnings of international action which must grow as intercourse increases. National pride, helped on by the private interest of a small group of individuals has been responsible for many wars of the past. The moment nations are expected to refer their differences to a court of justice, the element of pride drops out as a determining factor for war. Unless the intent is

conquest, will not a given people, under the new conditions, naturally prefer a settlement of controversies by means other than war? Certainly the family of nations, in which the interest of one is daily becoming more closely bound up with the welfare of all, views with growing displeasure war between any of its members. (Applause.)

Now, how do the facts of history bear out these speculations? Until within the last few months, when the magnificent record of arbitration was broken by the two events in South America to which I have referred, out of between two hundred and fifty and two hundred and sixty arbitrations effected since 1815, how many have been rejected? One. And that by mutual waiver. The arbitrator in that case was the King of Netherlands, to whom the United States and Great Britain referred (convention of 1827) the north-east boundary dispute. Instead of being governed by the stipulations of the treaty of 1783, which attempted to define the boundary between the United States and Canada, the arbitrator proposed (1831) a new boundary, following his own notions of what he thought it should be, and accordingly violating the conditions of the arbitration. That is not conclusive, ladies and gentlemen, but it is most significant.

I started an investigation of this question with the idea that we should need an international police. The more I investigate it the more strongly do I find myself inclined to the view that only on rare occasions will force be needed to execute the judgment of the international court and that these occasions may be met by concerted action.

This court must soon come into being. But unfortunately the tasks of the world are not like books, which when read, may be closed and laid aside. We reach a cherished goal only to find that it is but a step to an ultimate end—new opportunity and new labors imposed as a result of that opportunity. The real task—the task of years if not of generations—will be so to shape public opinion as to incline the nations habitually to resort to this court when established and abandon war as a means of settling international disputes.

Last year while attending the National Peace Congress in Chicago, sitting among a vast audience whose enthusiasm for the cause astonished me, I could not help but feel that if war were declared on the morrow, that same crowd, or a crowd similarly composed, would be found on the street shouting itself hoarse for war. It is a trait that is inherent in human nature. We must realize that fact and make up our minds to a long fight to subjugate it. Thomas J. Morris of Baltimore recently reminded us that two things which profoundly influence the actions of men are the interest attached to what they do and the expense of doing it. War was formerly the occupation

of every gentleman; trade and agriculture were left to the lower classes. Today life is so broadened that war is no longer the all-absorbing interest. But it is still dangerously full of romance and this appeal to the imaginations of men makes the war spirit so hard to curb when it once flames up.

On the side of expense, cost is greatly lessening the duration of wars. We all recall the protracted wars of former times—the thirty years' war in Germany, the one hundred years of almost continuous fighting between France and England. If war today were not more costly than at the time referred to we would certainly see Russia and Japan still prosecuting the war begun in 1904.

Then, you have certain areas whose neutrality is actually guaranteed; Switzerland, by virtue of the Treaties of Vienna and Paris, 1815; Belgium, by virtue of the Treaty of London, 1832 confirmed at London in 1839; Luxembourg, also by the latter treaty; Norway, by virtue of the Treaty of Christiania, 1907. The neutrality of the Ionian Islands, part of the kingdom of Greece, is likewise guaranteed. These are small beginnings but significant.

How long, it will be asked, before the proposed international court shall prevail and make wars rare? That is a difficult question to answer. Suppose Abraham Lincoln had sent into the South a commission to ascertain whether the South could get along without the institution of slavery—had appointed that commission from anywhere except from among the extreme abolitionist group in New England: what answer would they have brought back? That is what I mean. Such questions have in them a dynamic element which defies calculation. When new institutions are set up, sometimes when new inventions appear, a new spirit is born with them, and that which seemed remote or impossible, is presently close at hand. For all that, it may well be one hundred or even two hundred years before wars grow rare. Even so. The significant thing is that a new star has appeared above the horizon, the promise, for the first time in history, of an institution which offers a substitute for war, and events may stream toward it with a speed of which we have no conception. (Applause.)

THE CHAIRMAN: There remains some time at the disposal of the Conference for discussion from the floor. The Chair recognizes DR. ERNST RICHARD, Professor of Germanic languages in Columbia University, and President of the National German-American Alliance.

TREATY OBLIGATIONS OF THE UNITED STATES AS RELATED TO THE INTERNATIONAL COURT.

REMARKS OF DR. ERNST RICHARD

The welcome news we have received from Mr. Scott has called to my mind the importance of preparing ourselves for the establishment of the international court of justice, so that we can stand before that court on the same terms as other nations. I should like to emphasize the point President Taft made in his message and emphasized again in his peace speech in New York—the relation of our state sovereignty, so to speak, to our international obligations. You know that there is today a controversy about the obligation of our states to recognize the duties which the United States have taken upon themselves by international treaties. You remember the California school case, you remember some years ago the case in New Orleans, the Mafia trouble with Italy, and there was some controversy in the Homestead case. These things have all been settled amicably, but this point has not been regulated and constitutionally settled. If the court of international arbitral justice is established, the question will come up whenever we are in a controversy, and the question is coming up today in negotiating treaties, whether our national government is able to make binding treaties. I think it is of the utmost importance that this question should be settled in the sense the President has advocated before this court is established and I should like to recommend to the business committee to bring a clause to that effect into our declaration at the end of the conference. (Applause.)

THE CHAIRMAN: MR. EVERETT P. WHEELER of New York has the floor.

THE CONSTITUTION AND SCOPE OF THE INTERNATIONAL COURT

REMARKS OF MR. EVERETT P. WHEELER

There are two points I would like to make,—one in regard to the constitution of this arbitral court of justice, and the other in regard to some reasons that make it very important, in the general interest, that it should be established with jurisdiction even beyond the international controversies that may come before it. I speak from the standpoint of a practicing lawyer, who has had considerable experience in cases of international law and who feels very strongly the importance of those two considerations.

Now first as to the court. We are all agreed that there should be a permanent court. One of the propositions that has been

advanced in regard to its constitution is that it should be required that the judges of that court should confine themselves exclusively to the discharge of their duties as such; that it should not be open to them to occupy any other position. That restriction, it seems to me, would be unfortunate, and for this reason. The court is not likely at first to have a great deal of business—it will ultimately come to that—but in the beginning, experience has shown that the regular tribunal has not enough to keep it occupied all the time. It would be an unfortunate thing to put five or six or seven or eight men, with large salaries in a little capital like The Hague. Naturally they would be men who had had long experience and they would have the temptation that comes to all of us as we get older to take things easy, and I think you would find the court would lose this influence on which it must depend for the authority of its judgment if you were to put it in that position. On the other hand, experience in England, in this state and in the United States courts shows that it is perfectly competent for a judge of a high court to sit also as the judge of another court, and it is a great deal better for him if he can do this, if his time permits. He then brings to the discharge of his duties in the higher court a freshness of experience in dealing with the cases that come before him which, if he is given exclusively to the duties of an appellate tribunal, he lacks. So much for that.

The other point I want to emphasize is this: Beside all international controversies about boundaries and rights of nations as such, a large class of claims is brought by citizens of one nation against another nation. We ought, I think, in the composition of this tribunal, to have it arranged that such claims can be directly prosecuted; that it should not be left entirely to the agreement of the two nations involved as to whether or not a particular claim could be prosecuted at a particular time. Our Supreme Court recently held that all such cases must be prosecuted by diplomatic intervention, and that the action of one nation cannot be inquired into collaterally by the court of another. That throws on the State Departments the burden of prosecuting such claims. But Foreign Offices generally are so much occupied with more pressing matters that these claims of individual citizens, in the nature of the case, cannot receive that attention to which, if justice is to be done, they are entitled. What can be the objection—that is the point for us to consider—what can be the objection to a treaty that in any controversy that shall arise, individuals who conceive themselves to be wronged by the authorities of a nation other than that of which they are citizens, can themselves present their claim before this great tribunal?

There is one condition that we have to deal with now that is entirely modern and is entitled to careful consideration.

That arises from the growth of large corporations. We have corporations, incorporated under the laws of the United States, engaged in international commerce, whose revenue is far greater—in one instance which I have in mind ten times as great as the revenue of these smaller republics of Central America. Its power is greater, it has more men under its control and is engaged in a more extensive commerce of every sort. It comes in this way to acquire a dominant influence in a country in which it does its business. The authorities of that country to a great extent become subject to its will in all matters relating to foreign affairs, and we must look that thing in the face. While I would never for a moment argue in favor of the prohibition of such aggregations of capital, yet I do feel the necessities of the situation are such that they ought to be subject not only to the control of an individual nation, but that when they engage in international trade they should be subject to international control. And this great court, which is sure to come, will provide an appropriate tribunal for such cases. (Applause.)

THE CHAIRMAN: MR. EDWIN D. MEAD, of Boston, Director of the new International School of Peace, is recognized.

THE PROPOSAL OF SECRETARY KNOX CONSISTENT WITH THE HAGUE CONVENTIONS

REMARKS OF MR. EDWIN D. MEAD

I think it important that attention should be called to the fact that our status at present in discussing the establishment of a court of arbitral justice is very different from what it would have been if the subject had been discussed at the conference a year ago, or if it had been discussed in this country last October. It is different for us as members of this conference and as citizens of the United States. Since we met together a year ago, the official invitation has gone out from the government of the United States to other governments to unite in constituting this court; and there is such encouraging response to the invitation that there is little doubt that the court will be established. Therefore, any discussion here and now as to the theoretical wisdom of the proposed plan might be embarrassing and is certainly useless. There was a time for it, but the time is not now.

But the point which I would chiefly emphasize is that this procedure on the part of our government is distinctly in line with the implication of the Hague Convention itself. According to the Hague agreement, as interpreted by Mr. Root in his utterances and action preceding the action of Secretary Knox, and as I think commonly accepted, it was understood that, whenever two or three nations unite on some form of appointing

judges, they have a right to go ahead in the work and create a court, trusting to the evolution of the institution in the future. There is, therefore, I repeat, nothing irregular in the present procedure from the point of view of the Hague Conference itself.

I was impressed by the wise and suggestive word of Judge Baldwin. If in this time of foundation and transition there is discontent anywhere, we have ways in which discontented parties can have a way satisfactory to themselves, or at any rate, well meeting any real need. The Central American court already furnishes a precedent for other possible sectional courts. There might be various such auxiliary courts. With a central Court of Arbitral Justice established, it does not follow that it will do all the international business in its field. The Supreme Court of the United States does not attend to all of our own national judicial duties; there are the subsidiary United States courts in the several districts.

In the establishment of this new arbitral court, moreover, it is not proposed to abrogate the existing International Arbitration Tribunal; and therefore if any nations do not choose to bring their cases before the court—it is obligatory only upon those nations which are parties to its establishment—they still have recourse to the old tribunal, where their commissioners or judges are in a measure of their own designation, and altogether created with their cooperation. We must make a beginning—the plan proposed seems the most hopeful and practicable one—and trust to evolution guided by the world's experience with the experiment.

Two allusions have been made here to Dr. Hale's prophetic words in the early Mohonk Conferences—one by Mr. Smiley in his opening address, and one by Professor Clark yesterday morning. When we speak of the realization of Dr. Hale's old demand and prophecy, we have drifted into the habit of taking it for granted that that prophecy was fulfilled in the establishment of the Hague International Arbitration Tribunal. That certainly went far towards the fulfilment, but not the whole way. The permanent international tribunal which Dr. Hale demanded in those old speeches, and which he defined with noteworthy precision, was really much more like the Court of Arbitral Justice of which we are speaking this morning. Dr. Hale went so far as to indicate the very constitution of that court, almost precisely the plan which Secretary Root accepted and Secretary Knox is now carrying into operation. Dr. Hale in the first Mohonk Conference, 1895, suggested that the six great powers of the world,—Austria, France, Germany, Great Britain and Russia, with the United States,—unite in the constitution of that court, and that these invite the smaller nations to contribute six extra judges or "assessors" to that

work, making a court of twelve. And the next year after making that proposition, which was referred to a committee of which Dr. Austin Abbott was chairman,—he did not report the next year, his untimely death ensuing,—the next year, I say, Dr. Hale went so far as to submit a resolution here that our government be urged to send an official envoy to all of the other five powers for conference concerning the establishment of this international high court of justice. Most of us have forgotten this remarkably definite conception and proposal of Dr. Hale's. Secretary Knox is now carrying it out. Not only is Mr. Smiley's expectation of living to see the court established realized—for the court may now be considered a fact—but Dr. Hale's remarkable prophecy is today fully realized. (Applause.)

THE CHAIRMAN: MR. ANDREW B. HUMPHREY of New York, Secretary of the American Peace and Arbitration League, is recognized.

PRESIDENT TAFT AND THE INTERNATIONAL COURT

REMARKS OF MR. ANDREW B. HUMPHREY

I have been astonished and have had to think twice to-day to realize exactly what this day means in the world of peace; I have had to think twice when I have listened to the excellent paper of the Solicitor for the Department of State, supplemented with the remarkable message from the Secretary of State.

But I want to make this point, and call to your attention the fact that the nations mentioned by Mr. Macfarland, the nations that have indicated their willingness to cooperate with the United States, are the nations that are to-day bearing the heaviest burdens as regards preparations for war—particularly Great Britain, France, Germany; and complaint is made that the United States also is with them. Those four nations, armed to the teeth, building dreadnaughts every day, experimenting with warships and airships, are the nations that have indicated their willingness to establish a court where reason, and not the budget or the warship shall rule. I simply make that point. (Applause.)

I next want to refer to what has been said by the Chairman and others regarding a recent statement made by the President of the United States. The President is the first executive in the world, I believe, to come out openly at a peace meeting and not only adopt a peace principle and advocate it, but incidentally even advocate the building of two warships by Congress. He made this speech which has been referred to at the Hotel Astor in New York, March 22, 1910, in the presence of assembled

ambassadors and ministers of the diplomatic corps at Washington, representing many quarters of the globe. With your permission I would like to have spread upon the minutes a brief section of what the President said.

"Now if we have a permanent Court of Arbitration—one to which we can easily refer all questions—the opportunity is likely to be seized upon—certainly to be seized upon by that country that is in the contest to follow, if war is to follow, not quite prepared; and so, by its demanding or proposing a reference to the Court, it will put the other country in the attitude of desiring war—an attitude that I think no country would like under present conditions to occupy before the world. As resort to this permanent court becomes more and more frequent, questions which can be submitted in the view of the nations will grow broader and broader in their scope.

"I have noticed exceptions in our arbitration treaties, as to reference of questions of honor, of national honor, to courts of arbitration. Personally, I don't see any more reason why matters of national honor should not be referred to a court of arbitration any more than matters of property or matters of national proprietorship.

"I know that is going further than most men are willing to go, but, as among men, we have to submit differences even if they involve honor, now, if we obey the law, to the court, or let them go undecided. It is true that our courts can enforce the law, and as between nations there is no court with a sheriff or a marshal that can enforce the law. But I do not see why questions of honor may not be submitted to a tribunal supposed to be composed of men of honor who understand questions of national honor, to abide by their decision, as well as any other question of difference arising between nations." (Applause.)

THE CHAIRMAN: The Chair recognizes PROFESSOR KIRCHWEY of Columbia University.

THE INTERNATIONAL COURT A WONDERFUL ACHIEVEMENT

REMARKS OF PROFESSOR GEORGE W. KIRCHWEY

I am inclined now to congratulate you, ladies and gentlemen, on the fact that you are here on what you will long remember as an historic occasion. To me the creation of this high court of justice, whether you call it a court of arbitral justice or not,—because it will be a court of justice and a court of law for the nations,—is the key to the international situation, is I might almost say, the goal of our effort. A great deal is said about the creation of a federation of the world, a parliament of man. I trust you will not believe I exalt unduly the horn of my profession when I say that I have little use for federations and parliaments, provided I am permitted to supply the courts which shall create and administer the law of the world. The court will, from the time it is accepted by the leading powers of the earth, become the law-giver, the law-maker, as well as the law-interpreter and the peace-maker of the world. It may take a long time for it to work out its processes; but from

the time it is created, our efforts should be devoted to clearing the way for the court in order that law, cooperating with justice, whose handmaid she is, administered by a tribunal of jurists, of lawyers, of judges, shall prepare the way for that time toward which we have so long been directing our efforts and our prayers.

We are honored that this is the occasion which has been chosen by the Secretary of State, speaking through the distinguished Solicitor for the State Department, to make the first public announcement that the high court is near an accomplished fact, because that is what that declaration means,—these diplomatists speak with bated breath and tell you half the truth; the rest of the truth is, that court is practically constituted today; it is agreed upon by the great powers,—and that court, once constituted, whether it be the perfect high court of the millennial future or not, ought, it seems to me, to answer the most rapturous expectations of all of us here gathered. (Applause.)

THE CHAIRMAN: If there is no further discussion, the Conference, after a session at which, I am sure, we all rejoice to have been present, will stand adjourned until this evening.

Fourth Session

Thursday Evening, May 19, 1910

THE CHAIRMAN: As the first speaker of the evening session, I have the honor to present a friend of every good movement, Dr. CHARLES W. ELIOT, President Emeritus of Harvard University.

THE FEARS WHICH CAUSE THE INCREASING ARMAMENTS

ADDRESS OF CHARLES W. ELIOT, LL. D.

All peace promoters have been cheered by the progress made since Russia called the first Hague Conference towards the substitution of arbitration for war, and this meeting in particular has been greatly encouraged and stimulated to-day. It is plain, however, that much remains to be done before a permanent international supreme court is established with some adequate force behind it, whether control of credit, or armed police, or effective world opinion, and that the race for armaments is hotter than ever.

There must, then, be some very strong reasons for the slow progress made towards an effective system of international arbitration, and for the continuance of the extraordinarily wasteful competition in providing armaments; for all the competing nations feel keenly the well-nigh intolerable burden of taxation which modern preparations for war on the instant, offensive or defensive, impose. I find these reasons in two chronic apprehensions felt by all the civilized nations alike,—although the two are not equally felt by the different peoples, because of geographical and commercial diversities. The first of these chronic apprehensions is the fear lest the nation's exterior supplies of food or of the raw materials of its industries should be cut off. The second is the fear lest an immense hostile army should be thrown into the national territory with only a few days', or even a few hours', warning. Either of these chronic apprehensions may be suddenly exalted to panic by occurrences of a really trivial nature. The speech of a minister before a legislature, a note from a ruler, or even a short series of articles in an influential newspaper may raise either of these chronic apprehensions to the dimensions of a panic. These fears are not fairly to be described as dreams, or illusions, or fantastic nightmares. They are not created, though they may be aggravated, by unscrupulous manufacturers, tradesmen, or newspapers. They are

founded on historical facts borne clearly in mind by the present generations, and on generally accepted axioms concerning national well-being, as likely to be diminished by being conquered, or even invaded, and increased by any successful conquering. These axioms may be as absurd as the duelling code now seems to most Anglo-Saxons, but like that code of so-called honor they are generally accepted in continental Europe and among large portions of the population of North and South America, and Great Britain. It is a solid fact that an overwhelming majority of the English people feel it to be for them a matter of life and death that they keep ready for instant action fleets capable of preventing invasion and the cutting off of the food supplies and the raw materials which come to them over seas; and so long as they seriously dread catastrophes of that nature they will keep on building preponderant fleets. They must have security against such ruinous calamities.

England and Japan are the two nations which may reasonably feel most intensely the apprehension about their food and raw materials; but nations whose territories are not insular may also feel it to a high degree. Thus, Italy must import by sea both food and coal, France would suffer much if deprived of sea-borne cotton, and Germany needs to import by sea not only much food, but a great variety of materials for her expanding industries. The territory of the United States is so vast, and extends through so many climates, that it is difficult for us to realize how formidable to any nation which cannot raise on its own soil all its food and most of the important materials of the industries by which it lives, is the dread of the cutting off of a large portion of its food or its raw materials, or both. During far the greater part of the year England is not supposed to have in stock at any one time more than six weeks' supply of food for her population. In view of such a fact we Americans ought to be able to realize that this dread of the cutting off of essential supplies must be calmed and disposed of before the incessant preparations for war now going on can possibly be checked or stopped. A very important question, therefore, to be considered by those who wish to take effective measures to promote peace is this: What generally accepted rule of international action would give relief from this intolerable apprehension, and what new police forces would be necessary to secure the observance of that rule?

Confining our thoughts in the first place to operations on the oceans, we easily see that the adoption by a decided majority of the great maritime powers of the principle of the immunity of private property at sea would in itself go far to relieve from this great apprehension the nations that suffer most from it. If during a naval war all merchant vessels were free to come and

go on the open seas without danger of capture or of any interference, a nation at war would have little reason to dread the interruption of its supply of either food or raw material. To affect dangerously its supplies, its adversary would have to establish a real blockade of its ports, which is a difficult and costly operation in these days of high-speed vessels independent of wind. It may be observed in passing that changes in the definitions of blockade and contraband decidedly advantageous to neutrals were made by the Naval Conference in which Germany, the United States, Austria-Hungary, Spain, France, Great Britain, Italy, Japan, Russia and the Netherlands participated at London in 1908-09.* This Conference did work of high value although only ten selected nations joined in it. The precedent may prove a very useful one. The adoption on paper of this doctrine of the immunity of private property on the seas would not suffice, however, to relieve the intense anxiety of the civilized peoples about their essential supplies. They must see in readiness a police force capable of securing the execution of such an agreement in all parts of the globe. Can we imagine the creation of such a force? It must of course be an overwhelming international force, which no single nation would have a fair chance of successfully resisting, and it must be available in all the oceans. These conditions would be fulfilled if the group of nations which took part in the Naval Conference at London, or even a smaller group of nations having extensive seacoasts like England, France, Italy, the United States, Brazil, Chile, and Japan would agree to the immunity of private property at sea, and to the use of their combined fleets, or any adequate portion thereof, to enforce that immunity in every part of the world. The combinations mentioned would possess available ports in all the great divisions of the ocean. Several of the nations named have already expressed willingness to accept the doctrine of immunity for private property at sea. The United States has advocated it for many years. Other nations would probably wish to join such a league; but their adhesion would not be in-

*The Declaration issued by the Conference by Art. I, Chap. I limits blockade to ports and coasts belonging to or occupied by the enemy, which is a restrictive definition of high value.

In Art. 28, Chap. 2 the following articles are declared not to be contraband of war: raw cotton, wool, silk, jute, flax, hemp, and the other raw materials of the textile industries, rubber, resins, gums and lacs, hops, raw hides, natural and artificial manures, ores, clays, lime, stone, bricks, slates and tiles, porcelains and glass ware, paper, soaps, colors, varnishes, chemicals like soda, ammonia, and sulphate of copper, machines used in agriculture, mining, the textile industries and printing, precious stones, clocks and watches. It is obvious that this list, which is not the complete enumeration of Art. 28, covers articles of great value to every manufacturing nation, and that this clear declaration that they are not contraband marks a decided advance in the law of maritime war.

dispensable though desirable. Coincident with this agreement there would have to be another, in order to check competition in naval armaments. The nations entering such a league would have to make an agreement—subject to periodical revision—not to increase their fleets beyond their present limits, and to build new vessels, class by class, only in substitution for vessels past service. Limitation on the size as well as the number of vessels of each class would also be needed, and each nation would have to be kept informed of the naval constructions undertaken by every other member of the league. Such agreements as these and such publicity seem not only possible but well worth while, if through such action that formidable dread of the cutting off of food supplies and raw materials can be done away with. It is a hopeful fact that experienced public men in various countries are beginning to mention such novel agreements as not inconceivable.

The immunity of private property on the seas does not seem so remote as it once did, partly because the recent comparative immunity of private property on land during active warfare has not impaired the decisiveness of successful campaigns, and partly because the destruction of its mercantile marine has not proved to be in recent times, if indeed in any times, an effective mode of bringing a vigorous enemy to terms. During the Civil War of 1861-65 the United States lost nearly all its seagoing merchant vessels, and has never recovered its former position in the carrying trade of the world; but this fact has had no appreciable effect on the prosperity of the country. Nowadays any nation can easily get all its exports and imports carried in foreign bottoms at low competitive prices. Moreover, looting on land and privateering at sea are no longer considered respectable.

An agreement of this nature with regard to naval forces and their international use might have a large incidental value. It might show the way to organize an international naval police force, subject to the orders of a permanent arbitral court of justice at The Hague. Other kinds of force can be imagined to secure the execution of the decrees of the court, as, for instance, the refusal of credit to a disobedient government; but all experience seems to testify that some adequate force must lie behind an international supreme court, as it always has behind every other court. Otherwise it may be feared that the court will not command in practice the perfect confidence of civilized mankind.

The other chronic apprehension which prevents the progress of arbitration methods and the reduction of armaments is the apprehension of sudden and overwhelming invasion of national territory by hostile land forces. This incessant apprehension is extremely vivid, and is liable to explosive increment; and yet in this matter the civilized world has certainly made no inconsider-

able progress. To be sure, modern means of transportation by land and water have quickened the apprehension, and spread it over wider areas; but on the other hand the press, frequent mails, and telegraphs and telephones have developed effective means of dispelling ignorance, correcting misunderstandings, and giving warning of storms of passion. Certain distinct gains in respect to danger of invasion are plainly to be seen. First, no part of the civilized world is now subject to sudden invasion by hordes of barbarians, armed as well, or nearly as well, as the people whose territory they invaded. In all conflicts with barbarians civilization has now an immense advantage in respect to equipment for fighting. Secondly, it seems probable that dynastic wars will never occur again in the civilized world. Thirdly, certain small European states have maintained themselves successfully as to their territory for nearly one hundred years in the presence of much more powerful neighbors, and if the judgment of impartial money-lenders is to be accepted, the stable per capita wealth of the small states is greater and safer than that of the larger states. In a few instances, to be sure, the generation now passing off the stage has witnessed the forcible taking of parts of the territory of a small state by a larger one, and the surrender to the victors of portions of conquered territory. Fourthly, the great costliness of modern warfare in both blood and treasure tends to prevent the outbreak of actual war. Indeed, the costliness of mere preparation for war has increased by leaps and bounds during the past twenty years, and recently aviation has started expenditure of a new sort. The masses of the people begin to realize that they pay the costs of war; and they are not so dumb and helpless as they used to be. Hence, perhaps, the encouraging fact that huge armies, ready for instant action, have faced each other in Europe for forty years without once coming into collision. Fifthly, republican Switzerland has shown how the entire male population capable of bearing arms may be trained and held in readiness for defensive warfare without abridging seriously the industrial activities of the people, and without maintaining any standing army which could be used for offensive purposes outside the national territory. These are all good omens for peace; but they afford no effectual security to any European people, whose territory has not been declared neutral, against the sudden invasion of their territory by a formidable alien force capable of inflicting immense losses and of extorting a vast ransom. The Swiss experience, however, is more than an omen; for it shows one way of changing Europe from a group of fully armed camps always ready for hostilities abroad into a group of peace-expecting states, each maintaining a strong protective force, but no aggressive force. Civilized society is still founded on force, but that force should be a pro-

protective force. In practice it would be easier for a large state than for a small one to adopt this excellent Swiss method. Moreover, the territories of large states might be "neutralized" by agreement as well as the territories of small states.

On the whole, the only way in which promoters of peace can at this moment make head against the apprehension of invasion is to urge the making of arbitration treaties which contain no exceptions and the establishment of a permanent court of arbitral justice. The reduction of armaments on land must await the establishment of such a supreme court, unless, indeed, neighboring nations by twos or threes can make local agreements for reduction analogous to the invaluable arrangement made in 1817 between the United States and Great Britain concerning armaments on the Great Lakes. (Applause.)

THE CHAIRMAN: The relation between economic justice and domestic peace, and international justice and world peace is obvious and has more than once been pointed out to this Conference. It is with peculiar pleasure that I present as the next speaker a distinguished member of the Government of the Dominion of Canada, who has himself led the way in important contributions for the establishment of economic justice and domestic peace, the Minister of Labor of the Dominion of Canada, Hon. W. L. MACKENZIE KING.

THE BEARING OF INDUSTRIAL CONCILIATION AND ARBITRATION ON INTERNATIONAL PEACE

ADDRESS OF HON. W. L. MACKENZIE KING, M. P., C. M. G., CANADIAN
MINISTER OF LABOUR

I cannot regret too deeply that on an occasion as important as this, with questions as far-reaching as those which are being discussed and with ladies and gentlemen so distinguished and representative present, it has not been the good fortune of one of my colleagues to be present to address you instead of myself. I realize only too well how great is their loss and how considerable is your misfortune. However, I feel that I would be wanting altogether in what the Canadian people would regard a first duty of any one in a representative position, coming from Canada to this country at the present time, did I not immediately join with my friend, the Mayor of Halifax, who spoke to you last night, in expressing something of the gratitude which the people of Canada, in common with citizens everywhere throughout the British Empire, feel in the whole hearted expression of sympathy which has gone forth from this nation to the people of the Empire in the loss of a deeply revered and greatly beloved Sovereign.

As the youngest of his late Majesty's Ministers in the government of Canada, may I be permitted to say how deeply impressed I have been at the many evidences of a common grief which I have seen in this country during the one or two days of this short visit. There is not in all the flags flying at half-mast throughout this country to-day out of respect to the memory of a great sovereign, a single one but is playing its part in helping to further the object which it seems to me it is the main purpose of this Conference to serve, namely, the prompting of a feeling of common sympathy and good will, the foundations on which alone a permanent peace can be laid.

I would like to thank you, Mr. Smiley, and you, Mr. Chairman and ladies and gentlemen, who have joined in giving a place in the proceedings of this Conference to a memorial service in honour of the memory of the late King; that from amid these hills and from beside this lake, there should on the morrow ascend a word, a hymn, a prayer to the King of Kings, in common with the voice of a grief-stricken empire, is not less a tribute to the part played by King Edward as a peacemaker in these later days than it is indicative of the courtesy, the generosity and the reverence of the American people.

You have spoken, Mr. Chairman, of the relation of economic justice to international justice, and Dr. Eliot, in speaking, reminded us of the significance to the mass of the people of the burdens which wars bring with them. I should like to say just a word or two to my friends, the workingmen, wherever they may be found, on this important subject; for it seems to me that the workingmen of this country and of every country cannot too quickly or too fully realize how far reaching and all-important is any movement which may help to rid this universe of some of its armaments and reduce in some measure the cost and probability of war. I would say to them that if—as I believe they are—they are sincere when they speak of their desire to abolish war, they must in this case, as in others, point the way by example to other classes in the community. I am pleased to be able to say that the workingmen of Canada have in some measure recognized this and are, in a small way, to-day endeavouring to set an example to their fellows in other parts of the world in demonstrating the wisdom of an appeal to reason rather than a reliance on force in seeking to obtain what they believe to be their just demands. (Applause.)

Some three or four years ago, after one of the worst strikes ever witnessed in the Dominion, a strike which threatened at the beginning of winter a fuel famine in the prairie provinces of Alberta and Saskatchewan, the Dominion decided the time had come when the public interest should be considered, as well as the interests of conflicting parties, and that some measure

should be devised which would make it impossible for an employer to lock out his men or for working men to go on strike until the subject in dispute between them had been made a matter of investigation by a board of investigation. The Act which is the expression in legislation of this national conviction is known as the "Industrial Disputes Investigation Act," and is applicable to all agencies in the nature of public service utilities, street railways, telegraphs, telephones, all agencies of communication and transportation and mines. The feature of this law is that before any employer can lock out his employes, or before workingmen can go on strike, they are obliged to submit their differences to a board clothed with powers to investigate and report upon the right or the wrong of the parties in the matter. The findings are not made compulsory on either side; the respective parties are free to accept or reject the finding of the tribunal after it has been made; but if workingmen strike before applying for one of these boards, or if employers lock out their employes before a dispute has been dealt with in that way, the party so offending becomes liable to penalties in the nature of a fine or imprisonment. When Boards are being established each side is allowed to name one member of the board, provided such member has no financial interest in the dispute, and if the two members so named are able to agree on a third, well and good, the man of their choice is made the chairman; if not, it then becomes the duty of the government to appoint the chairman and the appointment is made by the Minister of Labour. The law has now been on the books for a little over three years. During that course of time there have been altogether 94 applications to the government for boards of conciliation and investigation; out of these 94 cases a strike or lock-out has been prevented in 88. In some cases settlements were effected while Boards were being constituted; in most cases the settlement was effected by the Boards or by an acceptance of their findings. In the six cases in which the Boards failed to bring about an agreement between parties, and in which the findings of the Boards were not acceptable to one of them, the question of recognition of the union came up in some form or other; 3 of these disputes concerned coal mines, one a metalliferous mine and one a railway. In all these cases the main rock on which the parties split was the question of recognition of the union. So far as hours, wages and conditions of employment are concerned the Boards have been able to arrange satisfactory settlements.

What does that mean? If we allow for a few cases where workingmen have come out in ignorance of the provisions of the Act, but have returned to work once its provisions have been brought to their attention, it means that so far as the Dominion of Canada is concerned, in regard to large industries in the

nature of public utilities, the machinery provided has been such that by securing a compulsory investigation of difficulties, it has been effective in removing the same without occasioning the loss of a single dollar in wages or profits or causing any discomfort to the general public. So far as railways are concerned, with one small exception which did not appreciably affect business (a strike of machinists on the Canadian Pacific Railway), so far as all the street railways are concerned; so far with slight interruptions as all the shipping companies are concerned, so far as telegraphs and telephones are concerned; so far as municipal monopolies are concerned, the Dominion has enjoyed during the past three years complete immunity from industrial strife. In coal mines industrial strife has been considerably reduced, though unfortunately, not entirely absent. (Applause.)

I say we have had this immunity from industrial strife, and in its place have had the advantages of industrial peace. The bearing of that upon international arbitrations of one kind or another would seem to be apparent, if analogies have any force whatever. Surely if it can be demonstrated as between masters and employes that some kind of machinery can be provided which will enable the parties to get at the facts without resorting to extreme measures of force,—if these can be found in the industrial world,—why can similar means not also be found for any other class of controversy which may arise? The secret, I think, as one looks at it, of the working of the measure in the Dominion, lies, first of all, in the fact that the sudden blow is withheld, no one is taken unexpectedly, all the parties have an opportunity of looking at the differences calmly and in a broad way; passion, prejudice, those elements which do so much to blind the main questions, are held at bay until the real issues have been made the subject of investigation; and the very fact that there is the withholding of the sudden blow makes possible that more potent force and influence—an intelligently shaped public opinion. Parties then, before they resort to a struggle, before they reject the findings of an award, must reflect upon what it may mean to encounter the opposition of an intelligently shaped public opinion. In international affairs, if some such means as this, or as that which has been suggested here by this Conference, could be devised,—is there any reason to believe, all the nations of the world being interested in international peace as all the public of a single nation are interested in industrial peace, that they would not play their part in focusing a public opinion, a public opinion arising out of the views of many countries, but based on one great common interest and aim, and that that great force would not also play its part in helping to stay the hand of an aggressor whose cause had not been shown to be a fair and honourable one? (Applause.)

I will not say anything more on that subject. I would like, however, to take advantage of this occasion just to reëcho a suggestion that I took the liberty of making about a year ago at Harvard University. It has seemed to me, as I have listened to the discussions in this gathering during the last two or three days, that the people of this continent have an opportunity all but unparalleled in the history of nations. We have heard this morning of a self-denying ordinance, passed in 1817, whereby we have been freed from armaments on our Great Lakes. We have heard later and at different times, mention made of the several agreements which have been entered into between this country and Great Britain as respects boundary differences between Canada and the United States, and we are, I believe, nearing a time when, through the instrumentality of this Conference and other like influences, something in the nature of a permanent court of arbitral justice is going to be forthcoming. Has it occurred to you that that is a record which covers a period of one hundred years of peace on this continent? We are about to conclude,—in 1914 we will have concluded—one hundred years of peace on the northern part of this continent. Between the United States and Canada we have a boundary line of between three and four thousand miles, stretching from ocean to ocean across an entire continent; and along the whole of that border there is not an armament of any kind; no shot has been fired across it, no swords have been drawn for a period of nearly one hundred years. It seems to me if we realize the significance of that fact we will take it upon ourselves to see, when the time comes, that this epoch-marking event, the consummation of one hundred years of peace will be commemorated in some form which will strike the imagination of every nation throughout the whole of the civilized world! (Applause.) I ventured at the time to suggest that possibly the two nations or the British Empire and this great nation, might join in erecting some sort of international monument, sublime in its symbolism of brotherhood and love, that some place of great natural beauty such as Niagara, which is known the world over, might be chosen as a place for such a monument; and as I have listened to the discussions to-day, I have thought how on the base of that monument we might record the incident to which President Eliot has alluded the Rush-Bagot agreement of 1817, and how on the sides we might record in their order the various international agreements by which differences have been removed and peace maintained between the two peoples, and how at the summit reference might be made to the arbitral court which is to be established at the Hague, and which will settle all future differences between the two peoples: we might proclaim to the world that that is the answer of the new world to the war-talk of the old; that here is the triumph of democracy

on a new continent, for there is the answer, ladies and gentlemen, to the question whether the best way to preserve peace is to prepare for war, or whether it is to live as though we believed in men and in living as men of peace should live! (Applause.)

So, ladies and gentlemen, if I may, I would like in concluding to leave two thoughts in the minds of those who are present, representing as they do so many influences for peace throughout this great Republic. The first for the workingmen of this nation, as of the Dominion of Canada, and let us hope also of other countries, that they may come to realize that their greatest contribution to the cause of international peace will lie in the furtherance of industrial peace; that that example, once set, that that sentiment for peace once established in a country, will do more than any other single force to restrain government from involving the peoples concerned in unnecessary expenditures incident to war. And the second thought, for all of us on this continent, that we do not miss the significance of what after all is the greatest achievement of the civilization of the new world, the greatest triumph that peace has known yet upon earth,— that of two peoples living side by side, with a boundary that runs across an entire continent, living thus without armaments of any kind; and let us commemorate that by the erection of some monument which will impress, as I have already said, the imagination of the whole world. If we are asked by what might we will safeguard that monument from defilement, let us reply “By the honour of the nations which in their infancy was strong enough to give us the victory which we to-day enjoy, and which, with the added strength of years, will be mightier still! (Applause.)

THE CHAIRMAN: The next speaker on the programme of the morning is a gentleman who had the honor and privilege of representing our nation in part at the second Hague Conference, the Reporter of the Supreme Court of the United States, Mr. CHARLES HENRY BUTLER.

THE AGREEMENT OF 1817 REGARDING ARMAMENTS ON THE GREAT LAKES.

ADDRESS OF MR. CHARLES HENRY BUTLER*

My position at the Hague was a very humble one. I did however, have the honor of being there in an official capacity, and of listening to the debates which took place not only in regard to the permanent court, but in regard to many other interesting subjects. Dr. Scott and the speakers who preceded me have so well covered everything relating to the Court that

(*Mr. Butler spoke during the third session. His address is printed here because of its close relation to other addresses.—*Ed.*)

although I believe I was expected to speak on that subject I shall take the liberty of bringing into the discussion a particular hobby of mine. The point to which I wish to address myself is the question of zone disarmament, especially on our Great Lakes under the arrangement of 1817 with Great Britain.

Our Chairman yesterday,—I regret I did not have the opportunity of hearing him give his very able address, but I have had the great pleasure of reading it,—spoke of the fact that the way to resume is to resume; that had been demonstrated successfully; and it followed that the way to limit is to limit. The United States with its neighbor, Great Britain, has gone further in that direction than any other nations, and we have a practical example of partial disarmament which can be used as an example for further disarmament and which will be fostered by the establishment of a court; for nations then could feel that in the absence of armament there would be a court to which they could refer their differences.

This great example to which I refer is the treaty, or, as it is better known, the arrangement of 1817, for the limitation of naval force on the boundary lakes between this country and Great Britain's American possessions. At the beginning of the war of 1812 the United States had no navy on the lakes; but before it was over Perry had met the enemy on Lake Erie and he was ours; and in other battles the waters of the lakes had been stained with blood of Englishmen and Americans; the shores had reverberated with the sound of cannon, and they had been strewn with the wrecks of ships and bodies of men. On Christmas eve, 1814, the treaty of Ghent was concluded; but so long as those naval forces were on the Lakes, and continued to sail up and down, there was no assurance of a continuance of peace; so long as through the narrow channels, of the lakes, vessels, armed to the teeth, could pass each other, they could not help exchanging a friendly shot of salute, at least, and that might at any moment be transformed into the deadly roar of battle. Men of both countries felt this, and the question was how the conditions could be changed. So long as the United States would build a 74 to beat a British 60, and the British would counter by building a 110, the increase of armaments would have gone on and on until it would have reached the point that it has upon the ocean. Neither side could afford to stop unless the other one would stop. It may be that sometime or other we can limit these great armaments, and that we can limit them at once, by starting in as we did—to resume. But so long as we are confronted with other nations building greater and larger ships, and more and more of them, that plan does not at present appear, to some of us at least, to be practical. In fact, in this I stand on rather the same platform

as our ex-President, who lately emerged from the wilds of Africa and set the world a-talking, and who, in his speech delivered in Christiania, as far as I can find, endorsed, with all that vigor of speech that he alone is capable of, disarmament by agreement as far as possible. But that question I do not propose to discuss.

The same spirit that actuates the Mohonk conference to-day, actuated the men of those days. They wished for peace and to obtain it knew that the menaces of war must be stopped, and that if the menace of war ceased, the chances for war would cease proportionately also. While the preparations for war elsewhere might have to go on, they said, "We will try to see what the effect of lack of preparation upon the lakes will be." The agreement was finally reached. There were such men interested in reaching it as John Quincy Adams, James Monroe, Lewis Cass, Richard Rush, on our side, and Castle-reagh and Bagot on the other. There is a lesson in the fact that they did finally reach an agreement. That lesson is that when earnest and able men get together to reach a result it can be reached, for when everyone knows that a particular result should be reached, the way is found to reach it. I believe that when the proper parties get together to consider the establishment of a great international court, the knowledge of the fact that the court must be established will bring with it the knowledge of the means to establish it and its actual establishment will finally be consummated. (Applause.)

The agreement which was finally reached is so short that I shall read it to you. Understand that for more than ninety years these few words which I shall read have controlled those hundreds of thousands of square miles of water territory, which, were it not for this agreement, would have on them to-day, navies as large as those that float on the Atlantic and Pacific.

"The naval force to be maintained upon the American lakes by His Majesty and the government of the United States shall henceforth be confined to the following vessels on each side, that is,—

"On Lake Ontario to one vessel, not exceeding 100 tons burden and armed with one 18-lb. cannon;

"On the upper lakes to 2 vessels, not exceeding like burden, each armed with like force;

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force;

"All other armed vessels on those lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such service as will in no respect interfere with the proper duties of the armed vessels of the other party."

There is the whole of it, and under that the only vessel—lumping as it did, instead of having four vessels of 100 tons, it had one of 400 tons—which the United States now maintains on the Lakes is the old Michigan a vessel built before the Civil War and which has traveled up and down the Lakes for over forty years. So carefully has the United States adhered to this agreement that when the Chicago World's Fair wanted to have a naval vessel of the United States anchored in front of the Exposition grounds as an exhibit, our government refused to allow any vessel to go through the locks for fear it might be regarded as an infraction of this treaty. (Applause.) The result, as those of us who were there remember, was that a brick and mortar battleship was built on piles in the harbor of Chicago and mounted with imitation guns.

Now the question comes up what good has that arrangement ever done? We will leave out for a moment the question of expenditure; we will leave out for a moment all other questions and take simply the question of excitement, of menace. On not less than four occasions as stated in a report in regard to this arrangement made a few days ago by Secretary of State Foster to the President, has its salutary effect been shown. In the Fenian troubles of the thirties, in the excitement over the case of McLeod in the forties; in the controversies existing between this country and Great Britain and Canada during the Civil War; in the momentous excitement that followed the Venezuelan message in the nineties,—on all occasions in the midst of the discussions as to the course to be pursued, the questions came up on both sides, How about the lakes? There are no ships on the lakes, and before going any farther or taking any hasty action had we not better think this matter over? And on each occasion it was thought over and thought over effectually.

Now why bring this question up at the present time? Why talk about a question which has been sleeping for ninety years? I will tell you why. In the great, wild rush that this country is in to-day,—(has it not truly been described as money-mad?)—the question of money comes up in a different way from that in which the money questions regarding armaments usually come up. We hear in these conferences, and elsewhere, of the great expense of armaments and the burden on the countries, rich and poor. That is not the case under the arrangement of 1817—that agreement has avoided all such expense. But to-day, congressmen are beset by those who want the country to spend the money and themselves to get the money that is to be spent. Throughout not the whole, but many sections of, the lake country there is a desire, that has been presented to Congress in a concrete and memorialized form, to do away with this agree-

ment, which saves our great inland waters from the dangers and the curse of war because it prevents the building of ships and the making of profits by the shipyards located in the towns upon their borders. It has been explained and set forth in detail, what immense amount of money would be made if ship-builders, with their yards on the lakes, could bid for naval vessels of the United States. In 1892 it reached rather an acute form, and the Lake Carriers' Association, and various others, came to the government and said that this agreement prevented them from obtaining their fair share of the expenditure for the naval armament of the United States. Senator McMillan came forward on behalf of the Detroit people, and the Lake Carriers' Association sent a delegation. The matter was referred to General Foster, then Secretary of State, who was asked by the President to determine whether or not certain proceedings which had taken place during the Civil War had amounted to an abrogation of the arrangement or whether it was still in force. Secretary Foster replied to the effect that the agreement was still in force, and the bids which had been made on vessels, some of which were lower bids and otherwise would have been accepted, were rejected as the government did not want to disturb the agreement of 1817, if it was in force. And Senator McMillan, after he had gone further into the matter, said on the floor of the Senate, that he withdrew his proposition, and that the United States had everything to lose and nothing to gain by the abrogation of the agreement or by anything tending to its abrogation. (Applause.)

In closing I wish to say that every member of this Conference should acquaint himself with all the details of this agreement; it is, in my opinion, a corner-stone in the maintenance of peace; it should be as sacred as any provision in the bill of rights or as any protection guaranteed by the Constitution. Talk about what any individual or corporation might make by the building of warships on the Lakes and then compare those profits with the destruction that those warships so built might bring on the whole country, and there could be but one answer. Is there any question that our efforts and that our treasures should be expended in making these great waterways highways of peaceful commerce instead of playgrounds for naval vessels in time of peace and battle grounds in time of war. As President McKinley said in his Buffalo speech the day before he received the fatal bullet, "Let our ships be white-winged messengers of peace, bearing messages of amity to all the world." Let us do all we can to give the whole world an object lesson of what English-speaking nations can do in the way of sacrifice of material profits when they want to do it, and how they

have done it, for nearly a century; and let us at all cost maintain the arrangement of 1817. (Applause.)

THE CHAIRMAN: No speaker is more welcome at this Conference than the gallant officer who represents the United States Navy. I have the pleasure to present Rear Admiral J. B. MURDOCK, recently in command of the New York Navy Yard and at present commanding the Second Division of the Atlantic Fleet.

THE RELATION OF THE NAVY TO INTERNATIONAL ARBITRATION

ADDRESS OF REAR ADMIRAL J. B. MURDOCK, U. S. N.

It gave me great pleasure to receive an invitation to attend this Conference, as, apart from all benefits accruing as a member, I was enabled to construe it as an acknowledgment by so eminent an authority as Mr. Smiley that an officer of the navy is not outside the arbitral fold.

I think that but few persons of intelligence in the country look upon our Army and our Navy as desiring war. If there are such, it is idle to take up the time of this Conference with arguments designed to convince them. I know that I am voicing the opinion of my brother officers in stating categorically that the Navy is for peace, and for every legitimate means by which it can be secured and guaranteed. No sane man who knows anything of war will ever look forward to it as anything but a barbarous method of settling disputes, and the sanity of the men of the Navy, and their knowledge of what sacrifices war would demand from them personally, render them glad to join in any civilized substitute for it. We do not argue on the question of arbitration, but accept it implicitly. We are proud of the advanced position our country has taken in furthering the cause of arbitration, and sincerely thankful for all that has been secured. We take special pride in the fact that one of the American delegation to the second Hague Conference was a naval officer—not a theorist or specialist or a man out of touch with the spirit of the service, but one who afterwards commanded our battle fleet in its voyage from San Francisco to Hampton Roads, over 30,000 miles of cruising, and delivered the fleet to the President at Fort Monroe in vastly more efficient condition than he received it ten months before.

The question of arbitration has reached a stage in which no argument is necessary, and is admitted in theory by nearly all nations. The work of this Conference and of others similar to it in other lands is mainly to devise means for putting the theory of arbitration into practice. This problem is filled with difficul-

ties arising from the different mental, moral and political principles of the various nations it is sought to bring together. The diversity of racial temperaments alone is enough to render harmony almost unattainable. Only within the last few years have we learned to place ourselves in touch with the Spanish-American peoples inhabiting most of our continent, and only recently have they come to rely on our good faith in diplomacy.

With us, the movement for peace by arbitration is a moral movement, recalling the old anti-slavery movement preceding the Civil War. It appeals so powerfully to the moral sense of the country as to have almost become incorporated in our national policy. We may safely say that in case of dispute arising between ourselves and any other nation we will always endeavor to obtain arbitration. It is essential, however, to bear in mind that in the advocacy of this principle we are unquestionably in the lead. The declaration of President Taft that even questions of national honor should be arbitrated is far in advance of the ground taken by any other power. It will be recalled that on the same occasion when the President made this statement, the ambassador of a powerful military nation said that arbitration could not be accepted when national honor or national interests were involved. These two platforms are widely separated.

It is presumptuous for a naval officer to advance views concerning the nature of an arbitral court or of its jurisdiction in the presence of the many eminent jurists who have addressed this Conference, but it may not be amiss to invite attention to this important matter of the treatment of questions involving national honor. It is evident on a moment's reflection that the usefulness of an arbitral court will be greatly diminished with every exception to its jurisdiction. Successful arbitration demands that there shall be no such exceptions. A nation considers itself the guardian of its own honor, and the only judge of its violation. So two hundred, or even one hundred years ago, did the individual gentleman act as he saw fit whenever in his own opinion his personal honor was concerned. The growth of public sentiment in various ways has so modified the old custom of the duel, that whereas a gentleman once thought his honor tarnished by an insult offered him, the gentleman of to-day holds that in honor to himself he cannot offer an uncalled-for insult. It is possible some similar change may gradually be effected in international relations and that the question of national honor, which may be too often raised when considerations of justice will not apply, will no longer be advanced as a reason for declining arbitration. It is instructive to notice that disputes between the States of our Union, in matters which would inevitably raise the point of national honor if the states were independent nations, are decided in our Supreme Court on no

other grounds than those of justice and law. Logically, there is no more reason why questions of honor between nations should not be settled by a properly constituted court, than that similar questions between the States of our Union should not be judicially settled. As for conflicting interests, there is no better way in the absence of binding law between nations by which they can be settled, than by equity, and no way in which equity can be so well determined as by a court.

In this year, 1910, we are still far from the solution of such problems, although the promise of solution is brighter than ever before. We should not delude ourselves into the belief that we are even yet on solid ground. Many Governments with whom questions might arise are not so subject as our own to the moral influences of their people, and as already stated, in none are these influences so aroused. The nations of Europe are in close contact with each other, and their history for centuries is full of mutual injustice, oppression and war. Their ruling classes are largely imbued with principles handed down from generation to generation, which are at wide variance with the spirit of arbitration, and they cannot accept it as naturally as ourselves. It takes two to make a peace, just as it does to make a quarrel. If both parties are desirous of peace, arbitration is easy. If one is indifferent to the maintenance of peace, arbitration becomes difficult. If both are not indisposed to war, the settlement by arbitration may be impossible. The Franco-German war of 1870 may be cited as an example, and even allowing for the development of public opinion since that time, it is not wise to say that national rivalries and resulting jealousies cannot reproduce the same conditions in the future. In the present stage of the world, we of the Navy claim, and I believe with justice, that the endeavors of the United States to obtain arbitration in any case will be the more successful because we are not compelled to rely on that means alone for obtaining peace.

Naval officers and diplomats possess the privilege of viewing the United States from the outside, and of seeing ourselves to a certain extent as others see us. As thus observed, it may be ascertained that our country is not generally popular among the nations. Our treatment of other peoples is too patronizing, frequently bordering on condescension or even contempt. Our opinion of ourselves and our institutions is too good to permit us to cultivate admiration of others. For a people of composite race, we are wonderfully intolerant of all variations from our own standards and careless in our criticisms of all outsiders. Our press is uncensored and uncontrolled, and anything will be widely published that savors of sensationalism. We may rely implicitly on the publication of any unpleasant features of our

international relations, and frequently on the wide circulation of international incidents which should be treated as confidential. In these various ways we are continually liable to give offense to other nations having more decorous methods of procedure. If our action is resented, it may be repeated and even intensified, and it is easy to allow a comparatively insignificant incident to assume serious proportions. Frequent recurrence of small difficulties may gradually lead to the growth of a feeling of dislike or distrust which augurs ill for our diplomatic relations. Arbitration cannot remove mutual national distrust, antipathy and hate, and although special disputes arising therefrom may be settled by arbitration, it is only surface treatment, the canker-sore remaining untouched and unhealed. The prevention of cases arising for arbitration by the adoption of international cordiality and courtesy is far better than the arbitration of disputes which might have been avoided. (Applause.)

I hope I may not have failed to assure you that our national armed forces are not bellicose. It is certainly unreasonable to suppose that a soldier serving the nation is inherently of a different disposition from a militiaman serving a state. As he gives all his time to his work, he should be a better soldier, but "a man's a man for all that." The police force of our cities is permanent in its nature, but no one ever thinks of its members as anything but conservers of peace and maintainers of law. And yet many most worthy persons, who rely on the police to preserve order around their homes, and protect them in a community in which the members have been reared on the same conditions, and brought up to obey the same laws, seem to think if the nation is involved in disputes with foreign peoples of widely different political and moral systems and of radically different temperaments, that force is wrong and moral principles alone should rule.

Many allusions have been made on this floor to the cost of the Navy. It is unquestionably expensive. The American citizen and the American government possess the undisputed privilege of paying more for anything they desire than any other people on earth. (Laughter.) If the United States wishes a navy, as it apparently does, it must face this proposition of cost. The necessity of expending the national funds wisely is unquestioned, but they can be used only for national uses. Interesting speculations are frequently made as to the amount of good that could be accomplished by the use of money now devoted to battleship construction, and the number might be amplified indefinitely by the addition of any end that any one might wish to further. An insuperable objection is that the bettering of educational methods, the caring for the aged and infirm, the conquering of disease, the relief of congested popu-

lation and other similar work for the general benefit of mankind are not generally considered as legitimate subjects for national expenditure, and such action might even be considered unconstitutional. Theory shows that much good might be done by other uses of money now expended on battleships, but what is the practice? The Army appropriation Bill was cut down six millions this year, and a like reduction made on the Naval appropriation,—a total of twelve millions diverted from militarism, and presumably available for the betterment of the sick, the weary, the destitute and the ignorant. But, sad to say, the presence of this saving has apparently had no other effect than to impose on the country a River and Harbor bill of fifty-two millions, twenty-six passed by the lesser house of Congress, amid the cheers of its members, and twenty-six more added in the upper house against the protest of the Senator having charge of the bill. If the appropriations for the national defense were reduced in order to promote the national welfare by the doing of many of the good deeds proposed in this Conference, we of the Navy would make no criticism; but in all probability it is our deficient education at Annapolis that leads us to believe that in the hour of the country's danger, a battleship is a better asset than a post office, and the command of the sea a more desirable acquisition than the control of a dredged channel in a creek in New Jersey. (Applause.)

It is said the Navy inculcates the growth of militarism. If this term is used in referring to the influence of a military element upon our national policy, we deny it. There is no body of men in the country to-day in better touch with the broad spirit of our American institutions than the officers and men of the Navy. Our militarism is confined to our own sphere. We must conduct our own service as a military entity, or see it lack the efficiency the country has a right to demand. A battleship cannot be conducted on the town meeting principle. Everywhere the wholesome pressure of discipline must be felt, or the desired effect cannot be gained. The men of our navy are not treated harshly, nor are they even unnecessarily restricted. The basis of their training is obedience, but with this is carefully maintained the cultivation of individuality within the limits in which it can be utilized. In this respect the American Navy differs from all others in the world, and this training makes the American blue-jacket the equal, if not the superior, of every battleship seaman in the world. This is our militarism and we are proud of it.

The Navy primarily exists for war, and as modern wars come unexpectedly and are waged quickly, continual readiness is the only measure of efficiency. If we took the money the nation has lavished on the Navy and did not endeavor by every

means in our power to produce an instrument fit for war if war should come, we would be derelict in our duty. We must be military or useless.

My object in what I have said is simply to bring to your notice our conviction that the existence of our armed national forces is not inconsistent with the overwhelming national desire for the adoption of the principle of arbitration, but is acting in harmony with it. Arbitration has no warmer supporters than in our ranks. We believe in it absolutely, and in exhausting every effort in every case to obtain it. We believe the existence of our navy in its present strength and efficiency is helpful to the cause of arbitration. We know it will be helpful if arbitration should unfortunately fail. (Applause.)

THE CHAIRMAN: We now have the pleasure of hearing from a distinguished representative of the Army of the United States. In presenting the speaker, it occurs to me to point out that his own career illustrates what large use the American people have made of their army officers in works of administration and civilization, owing to the fortunate absence of war. Those who remember the history of the pacification and upbuilding of Cuba will remember the part played by General Dudley in providing that Island with a code of administrative law and procedure. I present Brig.-General EDGAR S. DUDLEY.

THE ARMY AS A FACTOR FOR PEACE

ADDRESS OF BRIGADIER-GENERAL EDGAR S. DUDLEY, U. S. A.

President Butler said very truly in his opening address that the world's greatest soldiers of modern times are advocates of peace as against war. I can add to that that the Army, as well as the Navy, stands for peace and not for war. That man is most anxious for peace who has had experience with the horrors of war.

And let me remind you that the Army does not declare war; that it is done by a political branch of the government—by Congress—your representatives—the representatives of the people of the United States. When your representatives do declare war, it is the sworn duty of members of the Army and Navy, at the sacrifice of their individual lives, if necessary, to conquer peace.

I may say for those who declare war, that there appears to be an inherent principle in the nations as among individuals, which requires a constant conflict for purification and development. I believe there is a Power higher than that of politicians that controls the destiny of nations.

But for the American Revolution we would not have the free American Republic of to-day.

The Civil War not only freed the slave, but brought into contact the men from different sections of the country, gave them a knowledge of its resources, made evident the necessity for closer relations, and brought about the construction of the Pacific railroads and our telegraph lines; and without it we would not be the great nation we now are.

The Spanish-American war has developed in Cuba, Porto Rico and the Philippines more of civilization and Christianity in the past twelve years than Spain had, or would have, accomplished in centuries under its régime. In the *Review of Reviews* for May, under the head of "Cuba's Educational Vicissitudes," you may see something of what the Army did for education in Cuba, in addition to what it taught of the principles of self-government.

It would stir your hearts to go to Porto Rico and see there the cleanly clad children learning our language in the schools, singing our songs, and compare them with the ignorant, naked and dirty children of the past.

Those who have visited the Philippines will tell you of the great educational system there, and I want to say to you that it originated with the Army. When we turned over the established government to the civil authority, there were a thousand soldiers on duty as school teachers—a thousand missionaries of Christian civilization—in places which otherwise never could have been reached.

The Army of to-day is composed of American citizens. They are men who are loyal to liberty and the principles of free government; they are the product of Christian civilization. You may look in the *Century* magazine for May and there you will see it stated that there are 260 of the cadets of the United States Military Academy at West Point who are studying the Bible. In September last I knew the exact number, and also that, at that time, out of 415 cadets present, about 400 were active or associate members of the Young Men's Christian Association. Where will you find in any public institution a greater or better record than that?

The American Army of to-day is the instrument of peace and not of war. It is the advance guard of Christian civilization which brings to every nation, and to all people, peace.

Our flag is the emblem of liberty, of religious freedom and toleration, of Christianity, and I believe its going forward is but in the fulfilment of the prophecy that the Gospel of Peace shall be carried to all nations, even to the distant isles of the sea; that they who bear it are doing so in the performance of a God-given duty and in obedience to Divine command, and we, as advocates of peace, should cheer them on in their march to duty with the words of the battle song, "Onward Christian soldiers." (Applause.)

THE CHAIRMAN: Our next speaker needs no introduction as a publicist and a journalist; I therefore present him as the Vice-Chancellor of the University of the State of New York, Dr. ST. CLAIR MCKELWAY.

THE VALUE OF CONSERVATIVE WORK FOR PEACE

REMARKS OF DR. ST. CLAIR MCKELWAY

The present situation and our discussions seem to me to suggest so much Scripture as all of us can endorse without prejudice to old truth or to new theology. It is contained in the declaration: "He that believeth shall not make haste." He will wait for the gradual pace of intelligences slower than his own. He will not forge ahead of them before they are ready to march beside him or close behind him. He will make allowances. He will curb his own impulses. He will gain force by fellowship, for he will find in fellowship more efficiency than would come to him from the egotistic exultation of going the path alone, as proud of his dedication to solitariness and to singularity as he is to conscience and duty. The essence of impatience is egotism. The infirmity of egotism is intolerance. The trend of intolerance is toward injustice. The misfortune of such injustice toward the mass of humanity is that its victims, or orators or exponents come to be regarded as fanatics, or cranks, not as apostles, or prophets, or pioneers. He that believeth shall not make haste. He can wait. He will not have to wait long. He need only wait just long enough for the orderly gestation of his revelation by the digestive and assimilative intelligence of the sane, upright, practical and rounded minds of good men and good women. They gravitate to his side when they and events are ready to give the victory to that side, and not before. When they gravitate there, the side prevails, and not sooner.

I do not feel sure that the young will ever learn from the older, except by the fact of themselves becoming older, but from some instances they should. Grant was a young man when he voted for Buchanan against Fremont, on the ground that Fremont's election would be that of an incapable man by an unready North, in a Civil War that would certainly result, a war in which a prepared South would have its way for slavery against freedom. Lincoln was wise and not old when he withstood Sumner, Wade, Phillips and Garrison, and withstood them until the North, and not a few in the border states, were ready to make liberty and union one and inseparable, as Webster foresaw and foresaid they would and should be. And Lincoln was wise, and not old, when he questioned whether emancipation should *at once* coincide with suffrage for the unfitted who were eman-

cipated. Time has vindicated Grant, Webster and Lincoln, though those who heatedly denounced them have added diatribes against them to oratory and to poetry which augment the effluvia rather than the fame of literature.

The word I counsel from a table land of time between age and old age is Moderation. Let us welcome the Arbitral World Tribunal, but not too scornfully regard the Hague Tribunal, for which we long worked and which we have gladly hailed. Let us hold to the tribunal we gained and labor for the one we will be glad to hail, when attained. And let us not be too swift to counsel universal and immediate disarmament, until we realize how militarism keeps the peace, by mutual fears and mutual tension, while Mohonk Conferences are giving to arbitration between states the spiritual force that permeates the whole level of diplomacy and jurisprudence. I can be on with the new love, but need not be off with the old. The Arbitral Tribunal and the Hague Tribunal can both be cherished without the imputation to us of moral or civil bigamy. There has been here to-day a suggestion of contempt for the Hague Tribunal because it is slow, deliberate and difficult to constitute. In that may not be demerit. A slow lawsuit is a veto on a haste for war. A deliberate trial is a surety of careful procedure. A court constituted with difficulty is constituted with care and is likely to act wisely and, as it were, impersonally. Procrastination is the best policy, when it makes for peace. Those who think that "a ready made and always ready" arbitral world court will assure ideal results forget the fondness of nations for controversies. They overdo their conceptions of jurists as impersonalized automaton and they do not remember that an alacrity for trials characterizes courts at times as truly as an alacrity for litigation itself characterizes parties, whether they are nations or persons. The millenium will not come so long as a court or a lawyer can encourage a suit to stay it by an injunction that will show cause why it should be indefinitely postponed.

A change in the hearts of men must precede and can alone vitalize for peace courts and processes that judicially embody and encourage the similitude of war. Better, however, the similitude than the reality. "He that believeth shall not make haste." (Applause.)

THE CHAIRMAN: As the next speaker I have pleasure in presenting President S. C. MITCHELL of the University of South Carolina.

RACIAL ADJUSTMENT IN ITS RELATION TO WORLD PEACE

ADDRESS OF DR. S. C. MITCHELL

One Sunday morning I had the privilege of worshiping in St. Giles's historic church in Edinborough. Of course my own mind was full of the events that had taken place there, the signing of the covenant, the hurling of the famous stool by Jenny Geddes, and all those things. The venerable minister devoted about a third of his prayer to America, and it warmed one American's heart to hear the expressions of endearment that he used; and he closed his prayer with this sentence—"God grant that America, as she is eminent in position, so may she ever continue to be in moral power."

We have witnessed to-day the partial fulfilment of that prayer, in the prospect of a Court of Arbitral Justice, due in no small measure to the impulse of this Conference and to the initiative of Mr. James Brown Scott. It is indeed heartening to us to experience that fine expression of the conscience of our country. "America is something more than so many millions of square miles, so many millions of population; America is a great idea in process of realization." That idea, in my opinion, can best be expressed by the one word *humanity*,—a sense of human brotherhood.

I notice that it is usual with all the speakers in this Conference to bring you a message out of their own deep experiences. You will pardon me, therefore, if I speak just a moment upon racial adjustment as a factor in the progress of the world's peace.

You have no doubt been accustomed to regard the negro as the Achilles' heel of American destiny. You have been accustomed to think that the one failure of our democracy is in the South. You have been wont to see there only slavery, war, reconstruction, political isolation, demagogism, peonage, lynching. I am not here to deny those facts; but I believe there is a prophetic view of that long series of events which you and I (leaving out of account for the moment some of the stubborn details of life) may very well at this hallowed spot try to catch.

Just before the outbreak of the Russo-Japanese war there came to my study a Finn who had taken an active part in resisting the attempts of Russia to absorb Finland, and to abolish its free institutions. He told me how he and his compatriots had, in the spirit of nationality, withstood the aggressions of Russia. But they had failed. The free constitution of his country had been ruthlessly struck down. Nationality had not been strong enough to resist the encroachments of Russia. He had been driven into exile and had lived in England for two years. In his failure and despair he had fallen back upon the

spirit of internationalism as the only means of righting the wrongs of his country. He had been forced to believe that only the sense of international justice could win back for his Finnish people their political freedom. As a result he had become a champion of internationalism, trusting to the growth of the sentiment of human brotherhood and universal justice for the salvation of his own country.

In pursuance of his ideal he had come to the South to study the problem of racial adjustment as it appeared there in its direst form. He, too, had pipped the shell of race and nation and grounded his hopes on the growth of human sympathy for the fulfilment of the desires for his native land. May we not find in the experience of that young Finn a prophecy as to the meaning of racial adjustment the world around? Are we not witnessing in this trying process the growth of sympathy and the idea of humanity that is the pledge of internationalism, bringing not only peace, but inspiring coöperation on the part of each race in the highest development of all mankind?

Certainly it is pleasing to be able to record that it was at least in part due to this sense of international justice that Russia soon thereafter saw fit to restore the free constitution of Finland. While the defeat of her armies in the East may have been the prompting motive for that action on the part of Russia, it must be admitted that the force of public opinion and the sense of international justice had something to do with her recognition of the rights of the absorbed Finns.

I believe we can find a prophecy of the fulfilment of our deepest desires in the crucial process of racial adjustment. European peoples dwelt for more than a millenium upon that western projection into the Atlantic, and they progressed on that bright spot by interacting forces. Then, about the time of Columbus, there was a dispersion of the nations, and these highly civilized peoples were thrown upon all the continents and islands, and brought into immediate contact with different, if I may not say backward, races. It is one problem the world around, and the South is merely placed at the bloody angle in that far-flung battle line. If we can work out any tolerable solution as regards racial adjustment, we will make no small contribution to the progress of the world and to the upbuilding of the idea of humanity, that sympathy that rises above race and rises above nation, and embraces mankind. (Applause.)

The question which our President asked so often in his address—"Am I my brother's keeper?"—comes home searchingly to the heart of a Southern man as I believe in no other portion of Christendom; and as a result of being thrown back on the elemental realities of life he comes to know something of the necessity of living in accord with people that are utterly alien as

regards character, culture, and even color. We have had many references here to the need of "a moral equivalent of war," to use Professor James's happy phrase, and Professor Clark has pointed out some opportunities for the exercise of heroic virtues in every-day tasks. But you take the county in Mississippi which I have known from boyhood, where there are 45,000 negroes and 5,000 white people, and, moreover, those 5,000 white people, blood of my blood and bone of my bone, congregated chiefly in the towns. In some of the outlying country districts there are five white men to ninety-five negroes. Could there be a greater challenge to all of those heroic virtues which we are accustomed to associate with war, than the duty resting upon these men to furnish initiative in civilization,—to man schools and churches, to officer the labor, to project social ideals, and to conserve what it has cost milleniums of human effort to achieve and what we Anglo-Saxons have inherited? These, I say, are some of the hard problems connected with racial adjustment.

But I am not here to dwell upon them—they are familiar to us. That is, the human view is familiar. My object, rather, is to tell you there is a divine view. I have a friend who says he always spells *disappointment* with an H. The South has heard that message, and we are coming to believe that the racial issue is *His-appointment*. We are coming to hear that message which the apostle on the housetop at Joppa heard: "God has showed me that I should call no man common"; that God is no more a respecter of races than he is of persons; and that we are to embrace even the lowliest of our fellowmen in the spirit of mutual helpfulness, and try to advance together. You know old Jacob in the famine, when his sons returned from Egypt and reported that one had been kept in prison and the youngest must be brought to the haughty ruler yonder, exclaimed, in the agony of his soul, "All these things are against me!" Well, the South thought that once; but the veil is being pulled aside. The divine hand did it. The patriarch came to see that Joseph was not dead, but the ruler of an influential country; that all of that train of events might very well have been summarized by Jacob, had he enjoyed the divine view, as things working together for good to them that love God, to them that love progress, to them that love their fellowmen.

I want to record in this presence that I believe, in the high judgment of the South, there is practically agreement as to this prophetic view. There are two tests of strength: one is to see how much you can push down; and another is to see how much you can pull up. It is the second view that now prevails,—not in its entirety, not so far as we could wish. "Nature, red in tooth and claw," evolves the many beautiful and benign things we see about us, and while in this crucial process of racial

adjustment there are jars and frictions which we all deeply deplore, yet the outcome will be beneficial in keeping with a divine purpose.

That man that was born blind, upon whom the disciples stumbled and put the query to the Master,—“Who did sin,—this man or his parents—that he should be born blind?” is typical of the view we once took of the whole question of racial adjustment—the question of the African in the South. Taking the guilt for granted, we were endeavoring to fix the origin of the sin of slavery speculatively. Who did sin,—the slave-catcher, the slave trader, the planter, the abolitionist, or the fire-eater—who did sin? How contrary was the attitude of Jesus? “Neither did this man sin nor his parents, but that the works of God should be made manifest in him.” The South is coming to embrace that view, that the presence of the negro here is, not an accident, but a part of the purpose of God in bringing that race into the enjoyment of some of those blessings which the effort for ages and ages on the part of Europeans has succeeded in achieving.

So I regard the work of racial adjustment in the South as contributing ultimately in no small degree to the development of that idea of humanity, that sense of human brotherhood, that sympathy with all forms of struggle for a better and nobler life; and, therefore, as a structural factor in the progress of the great cause which we have here at heart.

I am exceedingly grateful to you for your kind attention. (Applause.)

THE CHAIRMAN: As the next speaker I present the Rev. HUGH BLACK, until recently of Scotland and now of Union Theological Seminary, New York.

AMERICA'S OPPORTUNITY AND DUTY

REMARKS OF REV. HUGH BLACK

I suppose the charge is sometimes made that a gathering like this represents mostly the academic point of view; that we look upon the situation too much from the viewpoint of pure logic or pure sentiment. Perhaps there is that danger, arising from the fact that this is, after all, a picked body of men and women, brought to a delightful spot of seclusion from the fret and fever of the world. Yet that very element of remoteness suggests the possibilities of this whole movement in America. In that respect, America is favored with a great opportunity. One feels in coming from Europe to live in this country that a good deal of the optimism here is due to some of that remoteness. It is a delightful thing and there isn't anything more charming to a

European than to come in touch with the magnificent optimism of American life. The farther West you go, the more you feel it; it blows like a great breath from the great prairies. Everything is going to be all right, one need not be afraid of anything—the future of the country, the future of business, the future of anything. One feels, too, that it is sometimes an unintelligent optimism, and it is partly because you have not been brought face to face, as in the older countries, with those things that make you stand, as it were, with your bare feet upon the bare earth. That is to say, the optimism which is so delightful we cannot assume will always remain. Progress does not grind itself out automatically here or anywhere else, and we have got to look upon this remoteness of America as the great opportunity of America, for it means that it is the easiest thing in the world for America to touch this question and to lead in it, as compared with any power in Europe. Anyone who has lived in both countries knows what that means. It is “up to you,” and it will be almost a disgrace if you are not prepared to lead in this question. That is the tremendous chance that organizations like this have—not only of forming public opinion in America, but the chance of forming and leading the public opinion of the world on this whole question.

This question of remoteness has two sides. There are theorists and sentimentalists on both sides, and both are often forgotten. Of all the wild and real sentimentalists, the wildest and most real to my mind is the man who believes that war, as the world has known it, is an eternal necessity, and that progress demands this ancient struggle, that the development of the race depends upon it for movement upward and for the manly virtues. Back of that strange sentimentalism, of course, there is the great truth that development does come through struggle, and that strength comes through the strain, as you cannot grow an oak in a hothouse. But the mistake so commonly made from that point of view it seems to me is this strange one,—the omission to realize that the profoundest progress in the world has not come by the struggle of man against man, but by the struggle for the higher life of man; as if, when all our highest dreams are realized there would not be many an opportunity for all man's fighting ability to develop the best that is in him, in the development of the private virtues of his life, in getting his foot and keeping his foot upon the neck of the beast within himself, in developing the social virtues, in seeking to turn the desert of the world into a garden, in seeking to take his share in producing and furthering the best life of other people. In this fight, indeed, the sentimentalist may be right that there is no hope for us except in the peace of the grave!

We have also to avoid the danger of the mere theorist. We must never lose sight of the fact that there is the human factor. We are not dealing with an intellectual proposition, but with human nature, and there is a lot of human nature in men! Given the psychological moment, and nothing is easier than in a moment to stampede men or a nation. Some among you, I know, believe there was a stampede just before the Spanish war. All was going well till, at the psychological moment, some one said, "Remember the Maine!" and you know what happened. We must keep in mind this human element.

So it is not enough to get our court of arbitration and our system of international laws established; we must have force behind it, as President Eliot said; but ultimately that force will be enlightened public opinion. It is here that this gathering and similar gatherings take their place.

In a last word let me make this remark: Here, too, is where religion has its place. The ideal of religion, after all, is just the task of life and the true view of the brotherhood of man, which is the heart of practical Christianity. And if that be not in Christianity, then it is not of the spirit of Christ. I say, a true view of that brotherhood of man can alone advance this cause you have at heart, as all other causes, and we must take the conception, that principle of Jesus, and run it right through life, with courage and consistency; for what is wrong, after all, are our ideals of life. Do we not all applaud the conqueror who rides to power over the ashes of humanity and broken hearts? The monuments that we set up tell of this. Our typical man of a great city is the man of the square jaw, who "makes good," it does not matter very much how. We have, more or less, all of us, that ideal of life, and we will never make a permanent peace of any sort in the world, and will never secure the ultimate dream that is in our hearts in our best moments, until we, too, are prepared to take the principle of the brotherhood of man and carry it right through our lives. And above all, this is worth remembering; by the revenge of time, the empire of souls is not given to the conqueror, but to the saint whom the gentleness of God has made great! (Applause.)

Rev. DAVID J. BURRELL, D.D., of New York, being called upon, spoke briefly, expressing his personal joy in the many evidences of progress toward world peace. "We are co-operating with Christ," he declared, "in the finest, noblest thing that men have ever been commissioned and equipped to do. And it is coming; it is coming gloriously. Not to-morrow nor the day after, perhaps; but the external years are Gods, and 'he that believeth shall not make haste.' I never heard the

major note struck as it has been struck in this Conference during the last two days; I never saw eyes brighter with hope or clearer with the prophecy of the coming of the Prince of Peace."

General HORATIO C. KING, of Brooklyn, urged the importance of taking a practical view of the peace movement and of a right attitude toward armed force until a trustworthy substitute for it can be found. "I am not," he said, "going to analyze any speeches, but one expression was used by a speaker in an admirable address—that gunpowder had degraded the world. If he had spent three years in the great Civil War and seen the magnificent exhibitions of heroism during that struggle, I think he would have eliminated that from his speech. Gunpowder does not degrade war. It requires a great deal more of courage to stand up in front of an unseen bullet than before a bow and arrow or javelin. The millenium is not here. I want all that my most radical friends here want. No good soldier ever craves war; those who have seen it know that it is even worse than Sherman described it: it is hell thrice compounded and we never want to see it again. But as long as human hearts remain as they are, we can do away with it only by degrees. I will not, however, put it off as long as one speaker did—two hundred years—for I think it will come in fifty years; I think some of the younger people here will see a world of universal peace."

Mr. CHARLES HENRY BUTLER: We have listened to-night to a great many interesting addresses, one of peculiar significance, coming from the Canadian Minister of Labor. He offered a suggestion, which it has occurred to me and to others, might well be acted on by this Conference. I, therefore, offer this resolution:

"RESOLVED That, appreciating the suggestions contained in the address of the Canadian Minister of Labor, a committee be appointed to devise and to carry out the best method for the proposed celebration in 1914 of the completion of one hundred years of peace between the two greatest countries in the Western Hemisphere; that such committee have power to act and co-operate with other committees appointed in this country, Great Britain and the Dominion of Canada, and to report to this Conference, and be known as the Mohonk Peace Centennial Committee."

(For the resolution as reported by the Business Committee and adopted by the Conference, see proceedings of the fifth session; also index.—ED.)

THE CHAIRMAN: The resolution offered by Mr. Butler is, under the rules, referred to the Business Committee.

Mr. CLINTON ROGERS WOODRUFF: On this point, I would like to state for the information of the Conference that Mr. William B. Howland, publisher of the *Outlook*, told me, a few moments ago, that the Niagara Falls Commission, of which he is a member, has taken steps to provide for a suitable celebration in the form of a memorial bridge, a free bridge, between the United States and Canada, or, at least, that this form of memorial has been contemplated. (Applause.)

The Conference then adjourned until the following morning.

Fifth Session

Friday Morning, May 20, 1910

MEMORIAL SERVICE IN HONOR OF THE LATE KING EDWARD

(Immediately preceding the opening of the Fifth Session, the members of the Conference participated in an impressive memorial service in honor of the late King Edward of England, the hour of the service being practically coincident with that of the funeral in London. An account of the service will be found in the Appendix of this report.—*Ed.*)

The Conference was then called to order for its Fifth Session.

THE CHAIRMAN: We are to devote the first part of this morning's session to what we may term the business of the Conference. The Chairman of the Business Committee, Hon. H. B. F. MACFARLAND, will now present for consideration the Platform drawn by his Committee.

PRESENTATION OF THE CONFERENCE PLATFORM

BY HON. H. B. F. MACFARLAND

If you read the platforms of the Lake Mohonk Conference, you will find that they are unique. They are not like political platforms, which, as has been well said, resemble railway car platforms, in that they are made to get in on and not to stand on! They are not compromises in the sense that they concede principles. They are agreements upon those things which unite. They set forth ideals always; but they recommend practical steps toward those ideals. It is most interesting and inspiring to see that prophecy has been converted into history by the successive steps that have been taken, so that under the instruction and inspiration which Lake Mohonk Conferences have given the real sovereign of the world, public opinion, the dream of Lake Mohonk has become the plan of the governments.

I like to think that this institution,—for that is what the Lake Mohonk Conference has come to be, an institution of international influence—is not what an institution is said to be, the lengthened shadow of a man,—but a larger body, an incorporation of the genius of this place, informed by the same spirit of sanity, the vigor of youth, the wisdom of age, who, if he

does live upon a mountain, who, if his head is among the stars, has his feet firmly planted upon rock and earth, and would never dream of stepping off the edge of the mountain into thin air. The genius of this place, known best and chiefly the world round as a practical idealist and practical philanthropist, is at the same time a most successful man of affairs, who could give lessons in practical business success to many of those who have in the past ridiculed the Lake Mohonk Conferences.

You will find in the platform of to-day such things as you have found in the platforms of yesterday; still the ideal, still the practical, still the spirit of the Quaker, and still his sanity and strength. I say that with great freedom, because I had very little to do with the preparation of the platform—that work was done by Dr. Kirchwey, the chairman of the sub-committee, and his able associates. It is true that a thousand years to the eternal God are but as a day; but it is also true that a day in the execution of his plans often accomplishes more than a thousand years! These processes among people which seem so slow to those of us who are impatient, who cannot wait, are like the processes of nature; they are not set like the schedule of street railways, to stop at certain corners, at certain hours, to make certain measured progress: but suddenly, on some bright day, the bud appears, and then the blossom, and then the fruit of all the long processes of preparation. And we have come to such a time as this. The nineteenth century made the world a neighborhood, and the twentieth century is making the world a brotherhood. That is our thought in presenting this proposed platform, which I will now read:

(For a copy of the Platform, see page 8.)

Mr. President, I move the adoption of this platform and yield the floor to Dr. GEORGE W. KIRCHWEY, chairman of the sub-committee on platform.

REMARKS OF DR. GEORGE W. KIRCHWEY

May I call your attention to the fact that, like ancient Gaul, the platform is divided into three parts. It deals, first of all, with what is the central feature of the program of this Conference, and what has come to be in the last few months the central feature of the hope and aspiration of the friends of peace and arbitration everywhere—the proposed high court of arbitral justice.

It deals in the second place, with what I may safely call the epoch-making declaration of President Taft, in his recent address in New York City, committing himself permanently to the far-seeing principle that between nations, as between men, there need be no reservation of questions of honor if the reign of law and justice is to prevail, instead of the reign of force.

And it deals, in the third place, with a matter which was a leading topic at the last Conference in this place; namely, the portentous growth of armaments; and it is led to refer once more to that condition of affairs, and to express the hope that something may be done to mitigate it. It is led to this expression by the fact that the declaration of the Lake Mohonk Conference of last year has thus far seemed to prove unavailing, and that the great powers continue to arm themselves against actual or imaginary enemies; and also because of the fact, as was called to our attention yesterday in the eloquent words of the distinguished member of the Canadian cabinet, that the century of peace and law, the completion of which Canada and the United States, Great Britain and America, are soon to celebrate, is due largely to a simple arrangement entered into nearly a hundred years ago restricting armaments upon the Great Lakes and the St. Lawrence.

These three matters come naturally before this Conference for consideration; it is upon them that we may properly take action at this time; and we cannot, may I say, take too strong or too prompt action with regard to any one of them. The State Department at Washington has taken a long forward step. It needs and craves the support of the public opinion of the United States in its diplomatic struggle to make that great principle, for which we are contending and for which it is contending, prevail in the councils of the nations; and we can do something by raising the voice of this Conference to strengthen the hands of our officials at Washington, to give them the assurance, which officials who seek to advance the progress of humanity always require, that they have a solid America back of them.

To return for a moment to the declaration recently made by President Taft, let there be no illusions as to the difficulties which lie in the way of realization of his hope. There are few men who are willing to subscribe to the proposition that a nation shall submit to arbitration or to judicial decision every question or controversy that may arise between it and another nation; and yet in our private relations, we have reached that point. There is nothing that can arise between man and man, no matter how intimately it may affect life or fortune or sacred honor, which we do not willingly submit to the determination of our tribunals. The time must come when the nations will emancipate themselves, as have individuals in civilized lands, from that curious obsession that there are matters of honor, which can be vindicated only by the force of the individual or nation affected—a reservation which would nullify any treaty of arbitration, which would nullify any pretended submission of a cause to a court of arbitral justice, no matter how great its

authority. So long as that reservation exists there can be no law and there can be no justice in the affairs of nations, excepting such as may be voluntarily, and too often grudgingly, conceded.

Therefore it seems to me, important as I believe is our pronouncement in favor of the high court, that it is even more important that we should come out boldly and strongly for this cardinal principle of law and justice. It will be necessary, if we are to vitalize the provision for a high court of justice and for arbitration treaties, that all questions which can arise between nations, shall be submitted without reservation to arbitration and to adjudication of the high court, when that court shall be constituted.

It is hardly necessary to say more regarding the growth of naval armaments, which in its present form, unrestricted by law or by convention, can have only one end—and that, national bankruptcy, which is only a step from national suicide. It seems to me as that state of military preparation, constantly growing to unlimited proportions, constitutes one of the greatest obstacles in the way of the solution of the problem of international differences by a resort to law and justice, that it is incumbent upon this Conference to reaffirm its declaration of last year in favor of the adoption of some rational method, by agreement among the nations, of checking this dire growth of armaments among them.

I take great pleasure, Mr. President, in seconding the motion which the Chairman of the Business Committee has made, that the platform submitted by the Business Committee be adopted by this Conference. (Applause.)

THE CHAIRMAN: The Business Committee have asked Dr. LYMAN ABBOTT, Editor of *The Outlook*, to say a few words on the platform.

REMARKS OF DR. LYMAN ABBOTT

It cannot be necessary to say anything to induce your adoption of this platform. If I speak at all this morning, in compliance with the direction of the Committee, it is to speak *for* you, rather than *to* you; to interpret what seems to me to be the meaning of this present movement. And in so speaking I must speak as one who counts Jesus of Nazareth as his Master and his Leader on all social questions. Jesus was not an ascetic. He did not demand that we should put our appetites and our passions to death. On the contrary, he said of himself that he came eating and drinking, he began his life by making wine to prolong the festivities of a wedding, and he ended by gathering his disciples round a supper table for social fellowship with him.

He taught us not that we should put our appetites and our passions to death, but that we should learn how rightly to use them. The motto of Christianity is, "Life is more than the body."

A socialist said to me the other day, with curious naïveté "Dr. Abbott, do you know there are some people who really think it is right to be rich!" Jesus Christ did not think it wrong to be rich; he did not exalt or glorify poverty; he did not say men must not have wealth or men must not use wealth, and he did not say that men must not use wealth to increase wealth. On the contrary he told the story of a man who took five pounds and employed it in trade to make it ten pounds,—he approved of it; and he told of another man who took one pound and wrapped it in a napkin and did nothing with it,—and that he condemned. He did not teach that money is the root of all evil, as some people who are uninstructed in the Bible sometimes misquote the text. He taught on the contrary that money was a good thing and we were to use it, but not to use it to live sumptuously and in fine raiment while the poor lay uncared for before our door.

In precisely the same way, and with precisely the same spirit, Jesus never taught that the possession of force was wrong or that the use of force was wrong. On the contrary, he began his life by driving the traders out of the temple, which they disgraced, and ended his life by putting himself between the arresting party and the sleeping disciples; and when the arresting party fell backward to the ground, powerless, he indicated to his sleeping disciples the time for their escape had come—then surrendered himself, and was led away to his crucifixion. What Jesus Christ taught was not that it is wrong to be strong; not that it is wrong to use your strength. Jesus Christ taught that it was wrong to use your strength for yourself, in selfish purposes. It was the *direction* of the use of strength, not the *possession* of the use of strength on which Christ's instructions throw light. He was the Prince of Peace, but it was peace through righteousness. He was the Prince of Peace, but he was the Prince of Righteousness and of peace built on righteousness. And it is, I think, because from the very beginning of these Lake Mohonk Conferences, under the wise guidance of Mr. Smiley and under his still wiser inspiration, we have recognized this fundamental principle, that we have made the progress that has been made.

This right use of power by the powerful is the solution of our race problem. We try to take all the power away from the intelligent and wise race in the South, and pass it over to the ignorant and uncultivated race in the South, with disastrous results; and in that remarkable address which was given us last night by President Mitchell, we learned, some of us not for the

first time, how now the South is attempting to take the other course, and teach the wise and strong and intelligent race to use their wisdom, their strength, and their intelligence for the uplifting of an uneducated and down-cast race. In this right use of power by the powerful is the solution of our labor problem. It is not in the abolition of the power of public opinion; it is in that method which was pointed out to us so ably by Mr. King last night; it is by saying to organized labor, "You shall not use your organized labor for yourself;" and it is by saying to organized capital, "You shall not use your organized power for yourself;" but you two shall stand one side and let the community organize the public opinion and organize the force and use it in disinterested purpose for the common welfare. This is the solution of our problem of disarmament. It is not to be found in the doctrine that a nation has no right to a navy; it is not that a nation has no right to an army; it is not that a nation has no right to use this navy and to use this army: it is that it has no right to build up a navy for self-glorification, that it has no right to use either army or navy for self-aggrandizement. And this is the significance of that contrast between America and Europe so clearly put before us by President Eliot and by Dr. Black last night. The duty of government is to protect its citizens from evil within, from assault without, and sometimes to protect the citizens of other nations from wrong and oppression. This is the very function of government, and it must have whatever force is necessary for that purpose. When a government has upon its side a hostile neighbor, or is surrounded by neighbors who may cut off its food supply, its duty of self-protection is of one kind: when a government is like ours, separate from other lands, and with abundant resources of supply, its duty of protection is of another kind. Neither can the demand for disarmament for America apply to Europe; nor can the necessity for an army in Europe apply unreservedly to America. And this is the meaning of this last and highest and ultimate demand of enlightened public opinion,—the demand for a Court of Arbitral Justice. This is not a matter of method: it is a matter of spirit. It demands the substitution of reason for force, and that involves a change in spirit. Therefore we cannot make haste. You can change method easily; you cannot, as Dr. McKelway has said, change spirit easily. And to bring the nations of the earth to see that the forces which they possess must be used unselfishly for the common welfare—that, and nothing less than that, is the end and aim and object of this great modern movement. And it is because we have reached this result, because we have seen that force is not wrong, and the use of force is not wrong, but the selfish use of force is always wrong, that this peace movement has made progress within the last ten years

greater than within all the years that have preceded since the death of Jesus Christ; and it is because of this that we gather here together,—not only men of different creeds, not only men of different opinions, but men of different professions, and we find nowhere among us any men who stand more positively, more vigorously and more effectively for that peace which is founded on righteousness than the brave and the eloquent representatives of the Army and the Navy! (Applause.)

THE CHAIRMAN: Is there further discussion of the Platform? If not, the question is upon its adoption as the official utterance of the Conference.

A vote being taken, the Platform (for copy of which see page 8) was unanimously adopted.

Hon. H. B. F. MACFARLAND, Chairman of the Business Committee, reported the following resolutions each of which was unanimously adopted.

The Lake Mohonk Conference on International Arbitration, having listened with deep interest and sympathy to the report* of the effort in the churches of Great Britain and Germany to promote good understanding and friendship between the peoples of those two countries, urges the American churches to more earnest and active co-operation with those bodies, and with awakened religious men in all nations, in the broader work of dispelling everywhere international prejudices, jealousies and arrogance and of strengthening international reason and good will.

RESOLVED, That a committee of three lawyers, with power to add to their number, be appointed by the Chair, to report to this Conference in 1911 as to the best method of carrying into effect the recommendation of successive Presidents of the United States that the United States Government be vested with the power to execute through appropriate action in the Federal Courts its treaty obligations, and, generally, to furnish adequate protection to alien residents in the United States.

(Under the provisions of the above resolution, the Chair appointed the following committee: Hon. Elihu Root, Junior Senator from New York; Hon. Simeon E. Baldwin, formerly Chief Justice of the Supreme Court of Connecticut; Dr. George W. Kirchwey, Dean of the Law School of Columbia University.—*Ed.*)

RESOLVED, That a committee be appointed to consider the best method of properly celebrating the completion of one hundred years of peace between the two English-speaking peoples of the Western Hemisphere; that such committee have power to add to its number and to co-operate with other committees appointed for the same purpose in this country and Great Britain and the Dominion of Canada; and that it report at the next Conference.

(For the personnel of the Committee authorized by the above resolution, see the general list of committees, pages 2 and 3.—*Ed.*)

THE CHAIRMAN: Next in the order of business was to have been the report of our Committee on Work among Colleges

*Address of the Dean of Worcester, page 49.

and Universities. But President Seelye of Smith College, a member of the Committee, states that owing to the absence abroad during most of the college year of the Chairman of the Committee—Dr. Benjamin Ide Wheeler—and the absence at the present time of Dr. Andrew D. White, another member, it has not been possible to formulate a report on behalf of the whole Committee. President Seelye states further that there has been no cessation of activity, the usual correspondence with all the colleges of the country having been carried on by the permanent secretary of the Conference, Mr. H. C. Phillips, who, for the Committee, has compiled the following statement which will be entered on the records in place of the usual formal report.

REPORT OF WORK OF THE LAKE MOHONK CONFERENCE AMONG COLLEGES AND UNIVERSITIES FOR 1909-1910

In 1905, at the suggestion of the late Dr. Daniel C. Gilman, the Lake Mohonk Conference appointed a Committee* of distinguished educators to bring before the colleges and universities of the United States the importance of impressing upon their students the principal facts in the history of international arbitration. This action was based on the assumption, afterward borne out by correspondence, that in some colleges the subject was not touched at all, and that even in colleges which gave it some attention in regular courses usually less than one-fourth of the students were reached by such courses.

Shortly after the Conference of 1905, under the direction of the Committee, the permanent office of the Conference entered into correspondence with the colleges and universities—a correspondence that still continues, the cordial response to which has fully demonstrated the prophetic insight of Dr. Gilman.

From the first, the Mohonk work has been disinterested. There has been no attempt at affiliation with the Conference; no pleas for enrollment or subscriptions; no paid services and nothing for sale; no proposal of special courses or plans that might interfere with the even working of an institution—merely a respectful suggestion that some means be considered whereby all students may at least once yearly be given an opportunity to learn of the principles and progress of international arbitration and related subjects.

*The Committee for 1909-10 consists of President Wheeler, University of California, Chairman; President Alderman, University of Virginia; ex-President Angell, University of Michigan; Hon. John W. Foster, Washington, D. C.; ex-President Seth Low, of Columbia; President Seelye, of Smith College; and Dr. Andrew D. White, of Cornell. Dr. Gilman was Chairman until the year of his death.

The first suggestion of the Mohonk Committee was the holding of special meetings, open to all students, at which the subject could be presented by student debates and oratorical contests or by addresses from speakers from outside the college, members of the faculty or students. The plan of addresses by outside speakers or members of the faculty with many modifications (such as convocation addresses, chapel talks and numbers in public lecture courses) has found favor with many colleges as being effective and taking little time from routine work. Debates and oratorical contests, local and intercollegiate, public programs by literary societies and similar occasions, wholly or largely under student initiative and control, have been reported by a smaller number, while some institutions have offered prizes for essays and orations. Many original lines of action, including a stated day in the college calendar, special lecture courses, general examinations on the subject, and plans for a Chair of Peace and Public Service, deserve mention.

The response has been gratifying. Universities and colleges to the number of more than 350 have favored special attention to the subject, and 248, including nearly all the larger institutions, have taken definite action, many of them for several successive years. A list of institutions, with notes of action, is appended to this report.

The total number of occasions devoted to this purpose, as reported to date, considerably exceeds 450, of which 132 were held during 1908-9, and 223 during 1909-10. Of the 223 occasions held in 193 institutions during the present college year, 138 were special meetings with addresses by outside speakers or meetings in chapel or assembly with addresses by members of the faculty; 62 have taken the form of oratorical contests, debates, orations, literary society programs or other occasions conducted mainly by students, 10 have been competitions for prizes and 13 cases of special action have been reported. Many excellent suggestions have been received and carefully noted for future use. Of the oratorical contests reported, a large number in the Middle West are due largely to the work of the Intercollegiate Peace Association, and of the 70 or more addresses by outside speakers more than half have been made by members and friends of the Mohonk Conference and have been arranged through its office. To these gentlemen, and to the Intercollegiate Peace Association the office makes grateful acknowledgment.

In connection with the work among colleges, there has been offered a prize of \$100, a gift of Mr. Chester DeWitt Pugsley of Peekskill, N. Y. (Harvard '09), for the best essay on international arbitration by an undergraduate student of an American college or university. Seventy-five essays were submitted, most

of which were excellent presentations of the subject. The prize was won by Mr. George Knowles Gardner,* of Worcester, Mass., a Sophomore in Harvard University.

The growth of the movement since its inception in 1905-6 and the general tone of the correspondence seem to indicate that three-fourths of the universities and colleges in the United States stand ready to provide occasional opportunities for special presentation of the subject, and that about two hundred institutions may be counted on for action each year; that there is a great and growing demand for speakers to address college audiences which ought in some way to be met; and that accompanying the movement is a powerful and significant tendency, wholly apart from special occasions, toward a new and virile interest in the subject, permeating the general college life in many institutions, and often stimulated by the personal influence and example of president and faculty.

LIST OF COLLEGES AND UNIVERSITIES CO-OPERATING WITH THE LAKE MOHONK CONFERENCE

The following list purports to show roughly the activity of the institutions named beginning with the academic year 1905-6 and ending with the academic year 1909-10. The * indicates an occasion with one or more addresses by outside speakers or members of the faculty, as described in the foregoing report; the † a debate, literary society contest or similar event largely under student direction; the ° the offering of a prize; the ‡ anticipated action in the year 1910-11; and the § special action not included in the foregoing classes. Reference marks repeated after a college indicate the number of such occasions held during the five years. Institutions not specially marked have expressed their approval of the movement and their intention of taking some action as early as practicable.

It is believed that many active institutions are omitted from the list for lack of definite information, and it is especially requested that any college or university not receiving full credit will notify the Secretary of the Conference.

Adelphi College, Brooklyn, N. Y.*
Adrian College, Adrian, Mich.‡
Agricultural & Mechanical College of Texas, College Station†
Agricultural College of Utah, Logan**†
Alabama Polytechnic Institute, Auburn§
Albany College, Albany, Oregon*
Albright College, Myerstown, Pa.*
Alfred University, Alfred, N. Y.
Allegheny College, Meadville, Pa.
Alma College, Alma, Mich.*††

American University, Washington, D. C.
Amherst College, Amherst, Mass.°°°
Amity College, College Springs, Iowa†*§
Antioch College, Yellow Springs, O.*††
Armour Institute of Technology, Chicago, Ill.
Atlanta University, Atlanta, Ga.*****
Auburn Theological Seminary, Auburn, N. Y.****

(*For an account of the presentation of the prize and a copy of the winning essay, see elsewhere in the proceedings of this session.—Ed.)

- Augsburg Seminary, Minneapolis, Minn.
 Augustana College, Rock Island, Ill.
 Baker University, Baldwin, Kans.*
 Barnard College, New York, N. Y.
 Bates College, Lewiston, Me.°°°°*
 Baylor University, Waco, Texas. **†
 Bellevue College, Bellevue, Neb.*
 Beloit College, Beloit, Wis.*
 Benedict College, Columbia, S. C. †*
 Berea College, Berea, Ky.§
 Bethel College, Russellville, Ky.*‡
 Blackburn College, Carlinville, Ill. *†
 Boston University, Boston, Mass.*
 Bowdoin College, Brunswick, Me. ††**°§
 Brenau College, Gainesville, Ga.‡
 Bridgewater College, Bridgewater, Va.
 Brigham Young College, Logan, Utah***
 Brown University, Providence, R. I.°°°°†
 Bryn Mawr College, Bryn Mawr, Pa.*
 Buchtel College, Akron, O.**
 Canisius College, Buffalo, N. Y.††
 Carleton College, Northfield, Minn.‡
 Carson and Newman College, Jefferson City, Tenn.*††
 Carthage College, Carthage, Ill.†*
 Case School of Applied Science, Cleveland, O.*
 Catholic University of America, Washington, D. C.
 Central College, Fayette, Mo.*
 Central College, Pella, Iowa.‡
 Central University of Kentucky, Danville‡
 Central Wesleyan College, Warrenton, Mo.**†
 Christian University, Canton, Mo. †§
 Clark College, Worcester, Mass. ***
 Clark University, S. Atlanta, Ga.
 Clark University, Worcester, Mass.**
 Clarkson School of Technology, Potsdam, N. Y.°*
 Coe College, Cedar Rapids, Iowa*
 Colby College, Waterville, Me.†
 Colgate University, Hamilton, N. Y.
 College of the City of New York ***§
 Colorado College, Colorado Springs **
 Columbia University, New York, N. Y.***
 Connecticut Agricultural College, Storrs*
 Cornell College, Mt. Vernon, Iowa**
 Cornell University, Ithaca, N. Y.*
 Cumberland University, Lebanon, Tenn.*
 Dakota Wesleyan University, Mitchell, S. Dak.*‡†
 Dartmouth College, Hanover, N. H.*
 Davidson College, Davidson, N. C.
 Denison University, Granville, O. ††
 DePauw University, Greencastle, Ind.††††*°§
 Dickinson College, Carlisle, Pa.*
 Doane College, Crete, Neb.*‡
 Drake University, Des Moines, Iowa*‡
 Drew Theological Seminary, Madison, N. J.
 Drury College, Springfield, Mo.‡
 Earlham College, Richmond, Ind. *****††††
 Eastern College, Masassas, Va.*‡
 Elmira College, Elmira, N. Y.*‡
 Emory & Henry College, Emory, Va.**
 Emporia College, Emporia, Kans.†
 Erskine College, Due West, S. C.‡
 Eureka College, Eureka, Ill.**†
 Ewing College, Ewing, Ill.‡
 Fairmount College, Wichita, Kans.§
 Fargo College, Fargo, N. Dak.§‡
 Findlay College, Findlay, O.†
 Fisk University, Nashville, Tenn. **
 Fordham University, New York, N. Y.†
 Franklin & Marshall College, Lancaster, Pa.†§
 Franklin College, New Athens, O.
 Friends University, Wichita, Kans.*†§
 Furman University, Greenville, S. C.§§§§
 General Theological Seminary, New York, N. Y.*
 Geneva College, Beaver Falls, Pa.
 Georgetown University, Washington, D. C.§

- George Washington University,
 Washington, D. C.*†
 Graceland College, Lamoni, Iowa.
 Greensboro Female College,
 Greensboro, N. C.
 Greenville College, Greenville, Ill.‡
 Greer College, Hoopeston, Ill.*
 Grinnell College, Grinnell, Iowa.*
 Guilford College, Guilford Col-
 lege, N. C.*§†
 Hamilton College, Clinton, N. Y.§
 Hamline University, St. Paul,
 Minn.‡
 Hampden-Sidney College, Hamp-
 den-Sidney, Va.‡
 Hampton Institute, Hampton, Va.
 Hanover College, Hanover, Ind.
 **†
 Hartford Theological Seminary,
 Hartford, Conn.
 Harvard University, Cambridge,
 Mass.
 Haverford College, Haverford,
 Pa.°°°°
 Heidelberg University, Tiffin, O.
 Henry Kendall College, Tulsa,
 Okla.‡
 Hillsdale College, Hillsdale, Mich.
 *††
 Hiram College, Hiram, O.‡
 Hiwassee College, Hiwassee Col-
 lege, Tenn.
 Hobart College, Geneva, N. Y.
 Holy Cross College, Worcester,
 Mass.††
 Hope College, Holland, Mich.†
 Howard University, Washington,
 D. C.**
 Huron College, Huron, S. Dak.
 Illinois College, Jacksonville °†
 Illinois Wesleyan University,
 Bloomington
 Indian University, Bacone, Okla.
 Indiana University, Bloomington
 *†°
 Iowa College, Grinnell*
 Iowa State College, Ames*°‡
 Iowa Wesleyan University, Mt.
 Pleasant
 James Milliken University, De-
 catur, Ill.†
 John B. Stetson University, De-
 Land, Fla.
 Johns Hopkins University, Bal-
 timore, Md.*§
 Juniata College, Huntingdon, Pa.
 ***††
 Kansas City University, Kansas
 City*†
 Kansas State Agricultural Col-
 lege, Manhattan
 Kentucky Wesleyan College, Win-
 chester‡
 Kenyon College, Gambier, O.†††
 Keuka College, Keuka Park, N.
 Y.§
 Knox College, Galesburg, Ill.
 Knoxville College, Knoxville,
 Tenn.‡
 Lafayette College, Easton, Pa.***†
 Lake Erie College, Painesville, O.
 Lake Forest College, Lake Forest,
 Ill.*****
 Lawrence College, Appleton, Wis.
 *†
 Leander Clark College, Toledo,
 O.*‡
 Lebanon University, Lebanon, O.*
 Lehigh University, S. Bethlehem,
 Pa.§
 Leland Stanford Jr. University,
 Stanford University, Cal.****
 Leland University, New Orleans,
 La.
 Lenox College, Hopkinton, Iowa
 **†
 Liberty College, Glasgow, Ky.
 Lincoln College, Lincoln, Ill.‡
 Lincoln Memorial University,
 Cumberland Gap, Tenn.
 Lombard College, Galesburg, Ill.
 ****°°§
 Loyola College, Baltimore, Md.†‡
 Macalester College, St. Paul,
 Minn.***
 McCormick Theological Semin-
 ary, Chicago, Ill.
 McKendree College, Lebanon,
 Ill.*
 McMinnville College, McMinn-
 ville, Ore.
 Manhattan College, New York,
 N. Y.
 Marietta College, Marietta, O.*
 Marquette University, Milwaukee,
 Wis.†††
 Maryville College, Maryville,
 Tenn.††
 Massachusetts Agricultural Col-
 lege, Amherst****
 Massachusetts Institute of Tech-
 nology, Boston
 Miami University, Oxford, O.†
 Michigan Agricultural College, E.
 Lansing†
 Middlebury College, Middlebury,
 Vt.*§‡

Midland College, Atchison, Kans.
 ††
 Milligan College, Milligan, Tenn.

 Mills College, Mills College, Cal.
 Millsaps College, Jackson, Miss.
 †§
 Milwaukee-Downer College, Milwaukee, Wis.**
 Mississippi Agricultural & Mechanical College, Agricultural College
 Mississippi College, Clinton*
 Missouri Valley College, Marshall*
 Moores Hill College, Moores Hill, Ind.*†
 Moravian College, Bethlehem, Pa.*
 Morningside College, Sioux City, Iowa†
 Morris Brown College, Atlanta, Ga.
 Mount Holyoke College, South Hadley, Mass.****†
 Mount Morris College, Mt. Morris, Ill.††
 Mount Union College, Alliance, O.
 Muhlenberg College, Allentown, Pa.†**§
 Muskingum College, New Concord, O.
 Nebraska Wesleyan University, University Place*
 Newberry College, Newberry, S. C.*
 Newton Theological Seminary, Newton Center, Mass.*
 New York University, New York
 Normal College of the City of New York*
 North Carolina College of Agricultural & Mechanical Arts, Raleigh*
 Northwestern University, Evanston, Ill.****†
 Norwich University, Northfield, Vt.*****
 Oberlin College, Oberlin, Ohio*
 Occidental College, Los Angeles, Cal.****†
 Ogden College, Bowling Green, Ky.
 Ohio State University, Columbus**
 Ohio University, Athens*
 Ohio Wesleyan University, Delaware*°
 Olivet College, Olivet, Mich.**††

Oregon Agricultural College, Corvallis*
 Oriental University, Dominion Heights, Washington, D. C.§
 Oskaloosa College, Oskaloosa, Iowa*†
 Ottawa University, Ottawa, Kans.
 Otterbein University, Westerville, O.†
 Ouachita College, Arkadelphia, Ark.*
 Pacific University, Forest Grove, Ore.*†
 Park College, Parkville, Mo.**
 Parker College, Winnebago, Minn.**
 Parsons College, Fairfield, Iowa†
 Payne University, Selma, Ala.†
 Penn College, Oskaloosa, Iowa**†
 Pennsylvania College, Gettysburg†
 Pennsylvania College for Women, Pittsburgh*
 Pennsylvania Military College, Chester
 Pennsylvania State College, State College**†
 Polytechnic Institute, Brooklyn, N. Y.
 Pomona College, Claremont, Cal.**
 Potomac University, Washington, D. C.
 Pratt Institute, Brooklyn, N. Y.***
 Presbyterian College, Eustis, Fla.†
 Princeton University, Princeton, N. J.
 Proseminar College, Elmhurst, Ill.†
 Purdue University, Lafayette, Ind.**†
 Radcliffe College, Cambridge, Mass.**
 Randolph Macon College, Ashland, Va.†
 Randolph Macon Woman's College, Lynchburg, Va.**†
 Redfield College, Redfield, S. Dak.
 Richmond College, Richmond, Va.*
 Rio Grande College, Rio Grande, O.***
 Ripon College, Ripon, Wis.§
 Roanoke College, Salem, Va.§††
 Rochester Theological Seminary, Rochester, N. Y.***
 Rockford College, Rockford, Ill.**

- Rock Hill College, Ellicott City, Md.
 Rollins College, Winter Park, Fla. **
 Rust University, Holly Spring, Miss.
 Rutgers College, New Brunswick, N. J.
 St. Angela, College of, New Rochelle, N. Y. ‡
 St. Benedicts College, Atchison, Kans. ‡
 St. Ignatius College, San Francisco Cal.
 St. Johns College, Annapolis, Md.*
 St. Johns College, Washington, D. C. †
 St. Lawrence University, Canton, N. Y. §
 St. Louis University, St. Louis, Mo. †††
 St. Mary's College, St. Marys Kans. †
 St. Olaf College, Northfield, Minn.
 St. Stephens College, Arsdale-on-Hudson, N. Y. ‡
 Scio College, Scio, O. ‡
 Shaw University, Raleigh, N. C. **†
 Shurtleff College, Upper Alton, Ill.*†
 Simmons College, Boston, Mass.
 Simpson College, Indianola, Iowa
 Smith College, Northampton, Mass.*****
 Southern University, Greensboro, Ala. †§
 Southwestern College, Winfield, Kans.*
 Southwestern Presbyterian University, Clarksville, Tenn. ‡
 State College of Washington, Pullman*
 State University of Iowa, Iowa City*****
 State University of Kentucky, Lexington***†
 State University of North Dakota, Grand Forks****††
 Stevens Institute of Technology, Hoboken, N. J.
 Susquehanna University, Selinsgrove, Pa.*
 Swarthmore College, Swarthmore, Pa.*****§†
 Syracuse University, Syracuse, N. Y.*
 Tabor College, Tabor, Iowa*‡
- Talladega College, Talladega, Ala. ***°†
 Tarkio College, Tarkio, Mo.*
 Taylor University, Upland, Ind. †
 Teachers College, New York, N. Y.**
 Temple University, Philadelphia, Pa.**†
 Texas Christian University, N. Waco**
 Throop Polytechnic Institute, Pasadena, Cal.**
 Tome Institute, Port Deposit, Md.
 Transylvania University, Lexington, Ky. ‡
 Trinity College, Durham, N. C.
 Trinity College, Hartford, Conn.
 Trinity University, Waxahackie, Texas‡
 Tufts College, Tufts College, Mass.
 Tulane University, New Orleans, La. ‡
 Tuskegee Institute, Tuskegee, Ala. °°°
 Union College, College View, Neb.
 Union College, Schenectady, N. Y.
 Union Theological Seminary, New York, N. Y. ‡
 Union University, Jackson, Tenn.
 University of Alabama, University, Ala. ‡
 University of Arizona, Tucson‡
 University of Arkansas, Fayetteville
 University of California, Berkeley****
 University of Chattanooga, Chattanooga, Tenn.*†
 University of Chicago, Chicago, Ill.****
 University of Cincinnati, Cincinnati, O.***
 University of Colorado, Boulder*
 University of Georgia, Athens**
 University of Idaho, Moscow***°
 University of Illinois, Urbana-Champaign***
 University of Kansas, Lawrence‡
 University of Maine, Orono*
 University of Michigan, Ann Arbor*‡
 University of Minnesota, Minneapolis**†
 University of Missouri, Columbia**†
 University of Montana, Missoula**°

- University of Nashville, Nashville, Tenn.
 University of Nebraska, Lincoln**
 University of Nevada, Reno**
 University of North Carolina, Chapel Hill**§
 University of Notre Dame, Notre Dame, Ind.*†††
 University of Oklahoma, Norman†
 University of Oregon, Eugene*†††
 University of Pennsylvania, Philadelphia*
 University of Pittsburgh, Pittsburgh, Pa.*****
 University of Puget Sound, Tacoma, Wash.*
 University of Rochester, Rochester, N. Y.**†
 University of South Carolina, Columbia**
 University of South Dakota, Vermillion
 University of the South, Sewanee, Tenn.†
 University of Southern California, Los Angeles**†
 University of Texas, Austin*
 University of Utah, Salt Lake City*****
 University of Vermont, Burlington**°°°°°
 University of Virginia, Charlottesville‡
 University of Washington, Seattle***
 University of Wisconsin, Madison**
 University of Wooster, Wooster, Ohio***†††
 University of Wyoming, Laramie*†††
 Upsala College, Kenilworth, N. J.**
 Valparaiso University, Valparaiso, Ind.*
 Vanderbilt University, Nashville, Tenn.††
 Vassar College, Poughkeepsie, N. Y.**
 Virginia Christian College, Lynchburg, Va.**§
 Virginia Military Institute, Lexington*
 Wabash College, Crawfordsville, Ind.†‡
 Wake Forest College, Wake Forest, N. C.**
 Washburn College, Topeka, Kans.†
 Washington College, Chestertown, Md.**†
 Washington College, Washington College, Tenn.
 Washington & Lee University, Lexington, Va.
 Waynesburg College, Waynesburg, Pa.†
 Wellesley College, Wellesley, Mass.***
 Wells College, Aurora, N. Y.**
 Wesleyan University, Middletown, Conn.*
 Western College for Women, Oxford, O.
 Western Reserve University, Cleveland, O.***§†
 Western Theological Seminary, Pittsburgh, Pa.
 Westfield College, Westfield, Ill.
 West Lafayette College, West Lafayette, O.*
 Westminster College, Fulton, Mo.†
 Westminster College, New Wilmington, Pa.**
 West Virginia University, Morgantown*‡
 Wheaton College, Wheaton, Ill.***
 Whitman College, Walla Walla, Wash.**
 Wilberforce University, Wilberforce, O.**
 Wiley University, Marshall, Texas
 Williamette University, Salem, Oregon†
 William Jewell College, Liberty, Mo.**†
 Williams College, Williamstown, Mass.§
 Wilmington College, Wilmington, O.†
 Wilson College, Chambersburg, Pa.*‡
 Wittenberg College, Springfield, O.
 Wofford College, Spartanburg, S. C.†
 Woman's College, Baltimore, Md.**
 Yale University, New Haven, Conn.
 York College, York, Neb.**†

THE CHAIRMAN: We are now ready to proceed to the annual presentation of the Pugsley Prize for the best essay on international arbitration, written by a college student under the conditions fixed by the Conference. Is Mr. Pugsley, the donor of the prize, present? (Mr. Pugsley steps forward.) Is Mr. Gardner, the winner of this year's prize present? (Mr. Gardner steps forward.) The prize will be presented by Mr. CHESTER DE WITT PUGSLEY, of Peekskill, N. Y., a graduate of Harvard University in the class of 1909, who for two years has given this prize to be offered by the Conference.

PRESENTATION OF THE PUGSLEY ESSAY PRIZE

BY MR. CHESTER D. PUGSLEY

Most of us realize, I believe, that the arbitration movement is one which must find its expression largely in the future. It will be for the coming generation to realize and achieve the ideal of arbitration which you of this age have developed. It is, I believe, to those who are in our colleges to-day that we must look for the moulders of public opinion a generation hence, and if the college students of to-day are interested and made familiar with the scope and status of international arbitration, we shall have, thirty years hence, a considerable body of educated men who have made it a study and who will be able to take an active part in its extension.

One of the most potent influences of this Conference has been, I believe, the work it has carried on among the colleges, and the fact that it has been able to secure the co-operation of a large number of our educational institutions.

For this year's contest there have been submitted seventy-five essays. The writers of these essays have had to familiarize themselves by extensive reading with what the Hague Conferences have accomplished, and the lines along which it will probably extend its work, and in this way they have acquired a good knowledge of the arbitration movement. In addition, it has made them think for themselves on this subject and formulate in the essays they have written an opinion of their own on the question.

Your committee, consisting of President Nicholas Murray Butler, Congressman Richard Bartholdt and Professor George Grafton Wilson, have made the award, and on behalf of the Conference I am asked to present the prize of one hundred dollars offered by it for the best essay on international arbitration by a student of any American college to Mr. George Knowles Gardner of Worcester, Mass., a member of the Sophomore class in Harvard University.

Honorable mention is made of Mr. Frank B. Ober and Mr. Hugo Wendel, both of the Senior class in Princeton University,

Mr. William H. Irvine, a Senior in the University of Rochester and Mr. Alexander Green, a Senior in the College of the City of New York.

Mr. Gardner, on behalf of the Conference, I present to you the prize. (Applause.)

ACCEPTANCE OF THE PUGSLEY ESSAY PRIZE

BY MR. GEORGE KNOWLES GARDNER*

I deeply appreciate the honor which you and this Conference have conferred upon me. It is a matter of no small pride to be publicly presented with a prize of this kind; but I want especially to express my gratitude to you who have not only made this achievement possible, but have caused it to be accompanied with the greatest pleasure from beginning to end.

I have to thank Mr. Pugsley not only for the intrinsic value of this prize,—which I shall appreciate more fully after the Conference,—but also for the first impulse to study and express myself on this great and important subject; and I have to thank you, Mr. Smiley, for an opportunity to come to this beautiful place and hear that subject discussed by great and able men. I feel that in my case, at least, the main object of this prize has been brought home and has been happily fulfilled.

I have to confess that when I started my study I supposed that in general international arbitration was something to be very much hoped for and talked about when more immediate and important matters gave time. I now realize that no more immediate and practical subject is before us than that which this Conference is engaged in discussing, and I am sure that the interest in international justice which Mr. Pugsley's generous offer has aroused, and which the discussions we have listened to have broadened and reinforced, will continue as long as any part of that cause remains to be advanced. I thank you. (Applause.)

THE CHAIRMAN: We are next to have the annual report of the Committee on Business Organizations, presented by its Chairman, Mr. JAMES WOOD, of Mt. Kisco, N. Y.

REPORT OF THE BUSINESS MEN'S COMMITTEE OF THE LAKE MOHONK CONFERENCE ON INTER- NATIONAL ARBITRATION

BY MR. JAMES WOOD, CHAIRMAN

During the past year a steady advance seems to have been made in the awakening of business men to the injury to indus-

*For a copy of the winning essay, written by Mr. Gardner, see Appendix.—*Ed.*

trial and commercial enterprises caused by any interference with international peace. Along with their participation in the advance of public opinion upon the importance of maintaining peace and good will among the nations, the business interests of the world have a keener sense of the danger to their particular calling by rumors of war as well as by actual outbreaks of hostility.

In the modern development of business there has not only been a great extension of its volume but it has become peculiarly sensitive to any interruption of normal conditions. This has been strikingly shown in the last few weeks by the heavy amounts of insurance taken on King Edward's life in many lines of business in Great Britain to protect them from the losses apprehended in case of his death. The apprehension of danger has become a powerful factor in moulding business sentiment to keener appreciation of the necessity of peace.

Among the 173 associations co-operating with this Conference there has been a gratifying increase both in interest in our organization and in activity in developing its work. During the year, in addition to the usual correspondence carried on through the Conference office, bulletins have been issued at intervals of three months, giving up to date information on the progress of international arbitration. Approximately five thousand copies of each have been distributed among the corresponding and co-operating organizations with the request that they be given such publicity as might be possible. There is reason to believe that most of the organizations have given these bulletins attention and have distributed them among their several bodies and to the press of their respective cities, while many organizations have reprinted them in whole or in part in their official journals or bulletins.

Bulletin No. 3 suggested the importance of having committees on International Arbitration within the respective organizations. This circular stimulated activity in many committees already existing, and resulted in nine additional organizations creating such committees, raising the number to thirty-five, while perhaps a dozen others are considering the appointment of such committees.

Bulletin No. 4 was a review of the progress of international arbitration during 1909.

Bulletin No. 5 referred to the International Court of Arbitral Justice. No direct appeal was made in the bulletin for special action, but since it has been issued twenty organizations have reported strong resolutions bearing directly on or closely related to this subject.

Copies of Bulletins Nos. 3, 4 and 5 are appended to this report. No attempt has been made during the year to increase the

number of co-operating organizations, but two bodies, the Detroit Board of Commerce and the Waco, Texas, Business Men's Club have asked to be and have been enrolled.

The number of organizations appointing delegates to the present meeting is 59 and of these the representatives of 44 are in attendance. Among these are a number of National and State organizations, representing in turn many constituent bodies.

Four organizations have offered substantial prizes or medals for essays on International Arbitration by the High School Students of their cities. These are the Jacksonville (Fla.), Board of Trade; the Springfield (Mass.), Board of Trade; the Newark (N. J.), Board of Trade and the Hoboken (N. J.), Board of Trade. The last-named board has offered a gold medal. Twenty or more bodies having committees on international arbitration have taken special action of various kinds, and a number of organizations had addresses on international arbitration at their annual meetings.

It is not believed that the above statistics cover more than a fraction of the activity of the business organizations as the reports from many are incomplete, while action is pending in a number.

Respectfully submitted,

JAMES WOOD, Mt. Kisco, N. Y., Chairman,
JOEL COOK, Philadelphia,
HARLOW N. HIGINBOTHAM, Chicago,
WILLIAM MCCARROLL, New York,
MARCUS M. MARKS, New York,
GEORGE FOSTER PEABODY, New York,
ELWYN G. PRESTON, Boston,
CHARLES RICHARDSON, Philadelphia,
CLINTON ROGERS WOODRUFF, Philadelphia,
Committee.

May 20, 1910.

DELEGATES OF BUSINESS ORGANIZATIONS PRESENT AT THE CONFERENCE OF 1910

NATIONAL

National Association of Clothiers	Marcus M. Marks, President.
National Association of Manufacturers	A. B. Farquhar.
National Board of Trade	Frank D. LaLanne, President.
National Business League of America	LaVerne W. Noyes, President.
National League of Commission Merchants	A. Warren Patch, Vice-President.

CALIFORNIA

Chamber of Commerce, Los Angeles	Frederick C. Valentine.
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COLORADO

Chamber of Commerce, Colorado Springs	James A. Hart.
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CONNECTICUT

Business Men's Association, New Haven	F. B. Street.
Chamber of Commerce, New Haven	Simeon E. Baldwin.

FLORIDA

Board of Trade, Jacksonville.....Dexter Hunter.

HAWAII

Chamber of Commerce, Honolulu.....A. F. Griffiths.

ILLINOIS

Illinois Manufacturers' Association, Chicago.....LaVerne W. Noyes, President.

MARYLAND

Board of Trade, Baltimore.....C. C. Macgill, President.

MASSACHUSETTS

Chamber of Commerce, Boston.....Samuel B. Capen.
 Massachusetts State Board of Trade, Boston.....Edgar Potter, Vice-President.
 Board of Trade, Lynn.....H. A. Sawyer, Secretary.
 Board of Trade, Springfield.....George H. Sutton.
 Business Men's Association, Waltham.....James S. Kennedy, Vice-President.
 Board of Trade, Worcester.....Charles T. Tatman, President.

MICHIGAN

Industrial Association, Battle Creek.....I. L. Stone.

MISSOURI

Business Men's League, St. Louis.....Oscar L. Whitelaw, Vice-President.
 Merchants' Exchange, St. Louis.....Oscar L. Whitelaw.

NEW JERSEY

Board of Trade, Camden.....Alexander C. Wood.
 Board of Trade, Elizabeth.....Elias D. Smith.
 Board of Trade, Hoboken.....E. H. Horwood, President.
 Board of Trade, Newark.....John McDowell.

NEW YORK

Chamber of Commerce, Albany.....William B. Jones, Secretary.
 Board of Trade, Amsterdam.....DeBaun VanAken.
 Business Mens' Association, Auburn.....E. Clarence Aiken, President.
 Chamber of Commerce, Binghamton.....L. M. Wilson, Ex-President.
 Manufacturers' Association of New York, Brooklyn.....Andrew F. Wilson, President.
 New York Board of Trade and Transportation, New York.....William McCarroll, President.
 Merchants' Association, New York.....Marcus M. Marks.
 Chamber of Commerce, Poughkeepsie.....Henry T. Hoag, Secretary.
 Chamber of Commerce, Rochester.....Daniel B. Murphy.
 Chamber of Commerce, Syracuse.....Delmer E. Hawkins.

OHIO

Chamber of Commerce, Cincinnati.....F. F. Collins.

PENNSYLVANIA

Chamber of Commerce, Erie.....J. B. Brooks.
 Board of Trade, Philadelphia.....William R. Tucker, Secretary.
 Chamber of Commerce, Philadelphia.....Coleman Sellers, Jr., President.
 Commercial Museum, Philadelphia.....William S. Harvey, President.

RHODE ISLAND

Board of Trade, Providence.....George G. Wilson.

TEXAS

Business Men's Club, Waco.....S. P. Brooks.

CANADA

Board of Trade, Toronto.....W. J. Gage, President.

CO-OPERATING AND CORRESPONDING BUSINESS ORGANIZATIONS

(List corrected to June 30, 1910)

The following bodies have enrolled as Co-operating and Corresponding Business Organizations to assist in furthering the work of the Mohonk Conference. Organizations marked with a * have adopted resolutions

favoring international arbitration, or assumed other active co-operation; those marked with a † have standing committees on international arbitration; and those marked with a ° have appointed delegates to one or more meetings of the Mohonk Conference.

NATIONAL

National Association of Clothiers.°
 National Association of Manufacturers.°
 National Board of Trade.*†
 National Business League of America.*°
 National League of Commission Merchants.*°

ALABAMA

Chamber of Commerce°Birmingham.
 Chamber of CommerceMobile.
 Commercial ClubMontgomery.

ARKANSAS

Arkansas State Board of Trade†° . Little Rock.
 Little Rock Board of Trade*†° . Little Rock.

CALIFORNIA

Fresno County Chamber of Commerce*Fresno.
 Chamber of Commerce*°Los Angeles.
 Chamber of CommerceOakland.
 Merchants Exchange*°Oakland.
 Chamber of Commerce*°Sacramento.
 California State Board of Trade°San Francisco.
 Chamber of Commerce*San Francisco.
 Merchants Exchange*San Francisco.

COLORADO

Chamber of Commerce*°Colorado Springs.
 Merchants Association*°Colorado Springs.
 Real Estate Exchange*°Colorado Springs.
 Chamber of Commerce*°Denver.
 Colorado State Commercial Association*°Denver.
 Real Estate Exchange*°Denver.
 Citizens Mining and Improvement AssociationLeadville.
 Business Men's Association°Pueblo.

CONNECTICUT

Board of TradeBridgeport.
 Board of TradeMeriden.
 Business Men's Association*†°New Haven.
 Chamber of Commerce*†°New Haven.
 Business Men's AssociationNew London.

DELAWARE

Board of Trade*°Wilmington.

DISTRICT OF COLUMBIA

Chamber of CommerceWashington.

FLORIDA

Board of Trade*†°Jacksonville.
 Board of Trade*Tampa.

GEORGIA

Chamber of CommerceAugusta.
 Cotton Exchange*Savannah.

HAWAII

Chamber of Commerce*°Honolulu.

ILLINOIS

Board of Trade*Chicago.
 Illinois Manufacturers Association°Chicago.
 Business Men's AssociationFreeport.
 Business Men's AssociationMoline.
 Chamber of Commerce*°Quincy.
 Business Men's Association*†Springfield.

INDIANA

Business AssociationEvansville.
 Manufacturers' AssociationEvansville.
 Commercial ClubFort Wayne.
 Board of TradeIndianapolis.
 Commercial Club°Indianapolis.

IOWA

Commercial ClubCedar Rapids.
 Commercial ClubCouncil Bluffs.
 Commercial Club*†Des Moines.

KANSAS

Commercial ClubLeavenworth.
 Commercial Club*Topeka.
 Chamber of CommerceWichita.

KENTUCKY

Board of Trade*Louisville.
 Merchants and Manufacturers AssociationLouisville.
 Business Men's ClubNewport.

LOUISIANA

Board of Trade, Ltd.*New Orleans.
 Progressive Union*†New Orleans.
 Progressive LeagueShreveport.

MAINE

Maine State Board of Trade°Bangor.
 Merchants Exchange and Board of Trade*°Portland.

MARYLAND

Board of Trade*°Baltimore.
 Chamber of Commerce*°Baltimore.

MASSACHUSETTS

Chamber of Commerce*†°Boston.
 Massachusetts State Board of Trade*†°Boston.
 Board of TradeBrockton.
 Board of TradeLawrence.
 Board of Trade*°Lynn.
 Board of Trade*†°Springfield.
 Business Men's Association*†°Waltham.
 Board of Trade*°Worcester.

MICHIGAN

Industrial Association*†°Battle Creek.
 Board of CommerceDetroit.

MINNESOTA

Commercial ClubMinneapolis.
 Northwestern Manufacturers Association*St. Paul.

MISSOURI

Board of Trade*° Kansas City.
 Commercial Club* Kansas City.
 Commercial Club St. Joseph.
 Business Men's League*° St. Louis.
 Latin-American and Foreign Trade Association*° St. Louis.
 Merchants Exchange*° St. Louis.

NEBRASKA

Commercial Club* Lincoln.
 Commercial Club*†° Omaha.
 Real Estate Exchange* Omaha.

NEVADA

Nevada Commercial League Reno.

NEW JERSEY

Board of Trade*†° Camden.
 Board of Trade*†° Elizabeth.
 Board of Trade*° Hoboken.
 Board of Trade*†° Newark.
 Taxpayers Association Paterson.

NEW MEXICO

Commercial Club° Albuquerque.

NEW YORK

Chamber of Commerce*†° Albany.
 Board of Trade*° Amsterdam.
 Business Men's Association*†° Auburn.
 Chamber of Commerce*†° Binghamton.
 Manufacturers Association of New York*†° Brooklyn.
 Chamber of Commerce*° Buffalo.
 Chamber of Commerce*†° Elmira.
 Chamber of Commerce° Geneva.
 Manufacturers Association Jamestown.
 Board of Trade° Lockport.
 Board of Trade and Transportation*†° New York.
 Merchants Association*†° New York.
 North Side Board of Trade*° New York.
 Produce Exchange* New York.
 Chamber of Commerce° Poughkeepsie.
 Chamber of Commerce*° Rochester.
 Chamber of Commerce*° Syracuse.
 Chamber of Commerce Troy.
 Chamber of Commerce* Utica.
 Chamber of Commerce†° Watertown.

NORTH CAROLINA

Board of Trade Ashville.
 Commercial Club Charlotte.
 Chamber of Commerce Greensboro.
 Chamber of Commerce and Industry Raleigh.
 Retail Grocers Association Raleigh.
 Board of Trade Winston-Salem.

OHIO

Business Men's Club*†° Cincinnati.
 Chamber of Commerce*†° Cincinnati.
 Chamber of Commerce*†° Cleveland.
 Chamber of Commerce*†° Columbus.
 Chamber of Commerce Dayton.
 Chamber of Commerce* Elyria.

OKLAHOMA

Chamber of Commerce° Oklahoma City.

OREGON

Board of Trade° Portland.
 Chamber of Commerce*° Portland.

PENNSYLVANIA

Board of Trade Chester.
 Board of Trade* Erie.
 Business Men's Exchange* Erie.
 Chamber of Commerce*†° Erie.
 Board of Trade*° Harrisburgh.
 Board of Trade* Lancaster.
 Chamber of Commerce McKeesport.
 Board of Trade*†° Philadelphia.
 Chamber of Commerce*†° Philadelphia.
 Commercial Museum° Philadelphia.
 Chamber of Commerce* Pittsburgh.
 Board of Trade Reading.
 Board of Trade*†° Scranton.
 Board of Trade Wilkesbarre.
 Board of Trade° Williamsport.

RHODE ISLAND

Merchants Association Pawtucket.
 Board of Trade*° Providence.

SOUTH CAROLINA

Chamber of Commerce° Charleston.

TENNESSEE

Cotton Exchange* Memphis.
 Merchants Exchange* Memphis.
 Board of Trade*° Nashville.

TEXAS

Chamber of Commerce° Beaumont.
 Commercial Club Dallas.
 Chamber of Commerce Galveston.
 Business Men's Club° Waco.

UTAH

Commercial Club° Salt Lake City.

VERMONT

Commercial Club Burlington.

VIRGINIA

Board of Trade and Business Men's Association Norfolk.
 Stock Exchange Richmond.

WASHINGTON

Chamber of Commerce*°† Seattle.
 Commercial Club*° Seattle.
 Chamber of Commerce*° Spokane.
 Chamber of Commerce* Tacoma.

WEST VIRGINIA

Board of Trade° Wheeling.
 West Virginia Board of Trade° Wheeling.

WISCONSIN

Commercial Club Menomonie.
 Chamber of Commerce*° Milwaukee.
 Chamber of Commerce° Oshkosh.

WYOMING

Industrial Club of Cheyenne*° Cheyenne.

CANADA

Board of Trade Hamilton.
 Board of Trade*° Montreal.
 Board of Trade*° Toronto.
 Canadian Manufacturers Association* Toronto.
 Retail Merchants Association of Canada* Toronto.
 Board of Trade*° Winnipeg.

BULLETINS TO BUSINESS ORGANIZATIONS ISSUED 1909-1910

THE BUSINESS MAN AS AN EDUCATOR FOR PEACE

About a year ago ex-Secretary of State Root said, "The true work of promoting peace is not so much a matter of diplomacy as it is a matter of education." This is one of the most significant of recent utterances on the peace movement. Diplomacy has done a great work in bringing international arbitration from the place it once occupied as a convenient though little-known method of settling minor differences, to its present state where it is universally recognized by the nations as the best means of adjusting almost every controversy without a resort to arms. What is now needed is popular education, in order that public opinion, and legislation dependent upon public opinion, may enable diplomacy to carry still further the work it has so well begun.

The American people as a whole do not yet fully understand that there is in operation machinery that lessens the danger of war to an extent undreamed of a generation ago; that the great nations of the world have twice met in conference at The Hague for the avowed purpose of providing means of avoiding war whenever possible and of softening it whenever it may occur; that we have at The Hague an international arbitral tribunal, to which four cases have been referred in a single year; that plans are ready for an international court of justice which awaits only the appointment of judges; and that ninety or more treaties of arbitration between the nations (the United States being a party to twenty-four) remove from the field of controversy a long list of formerly threatening questions.

That our people underestimate the potency of these agencies is attested by the fact that Congress is expending almost three-fourths* of the national revenue on account of wars past and prospective, and that almost half* the total national expenditure goes into preparations for war. The people are slow to realize that this tremendous and rapidly increasing outlay, now almost \$400,000,000 annually,—which is paid by them, if not in taxes, then in the prices of clothing and other necessities—can be lessened only through their will expressed as public opinion. What is true in America is more strongly true in some European countries, where expenditures for armaments are more extravagant than here. And this, despite the fact that more than 2,000 members of the Parliaments voting these vast budgets (including more than half the American Congress), are united in the Interparliamentary Union for the promotion of international arbitration. Rulers and legislators, however desirous of change, must await the will of the people.

Appreciating the vast influence wielded in a community by the business men, the undersigned Committee appeals to business men and business organizations to specially promote public interest in this subject by such means as may be at their command. By way of concrete suggestion, the committee submits a few facts concerning work already undertaken.

WHAT BUSINESS ORGANIZATIONS ARE DOING

The Lake Mohonk Conference has within a few years enlisted the cooperation of 170 leading business organizations including prominent bodies in nearly every large city of the United States and Canada. Most of these bodies have adopted resolutions commending the principle of international arbitration, have distributed documents to their members and have sent delegates to the Conference. Many of them have named standing committees on international arbitration, and the work of a few of these committees is outlined below:

The Columbus (Ohio) Chamber of Commerce (formerly Board of Trade), has a committee composed of five business men, a college president, a city school superintendent and a clergyman. The Committee has yearly addressed the pastors of the city with the result that many have preached and lectured on international arbitration; it has also appealed to editors and furnished incentive, and often material, for editorials; it furnishes literature to applicants; and it offers prizes to students of three colleges for essays on "International Arbitration."

The Committee of the Springfield (Mass.) Board of Trade works among the High Schools of the City, offering a series of prizes for essays which are judged and the prizes awarded at a public meeting each year.

The Newark (N. J.) Board of Trade, through its Committee, offers prizes for high school essays and encourages the social organizations of the city to hold public meetings with addresses on different phases of the peace movement.

The Committee of the Waltham (Mass.) Business Men's Association has provided educational programs on international arbitration and peace for one or more of the annual public meetings of the Association.

Many other organizations publish a series of articles or reproduce some of the best peace documents in their official journals or bulletins.

The foregoing are not isolated examples, but are selected from many. In each case, the result has been a greatly increased and intelligent interest among the people of the city.

It is very desirable that business organizations appoint standing committees to work for popular education along these lines, and that business men, wherever located,

*Congressman James A. Tawney, Chairman of the House Committee on Appropriations, states that up to April 30, 1909, the expense for the fiscal year had been 31% of the national revenue (exclusive of postal funds) for wars past and 41% for preparation for war.

assist in the creation and effective expression of a sound public sentiment that will stimulate and support statesmen and legislators in every effort to lighten the burdens entailed by war and preparations for war.

BULLETIN NO. 3 TO BUSINESS ORGANIZATIONS ISSUED BY THE
LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION.

October 11, 1909.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*
JOEL COOK, Philadelphia
HARLOW N. HIGINBOTHAM, Chicago
MAHLON N. KLINE, Philadelphia
WILLIAM MCCARROLL, New York
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MARCUS M. MARKS, New York
GEORGE FOSTER PEABODY, New York
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Committee on Business Organizations

NOTE.—For further information or printed data concerning any points mentioned in the foregoing article, or for additional copies, address the Secretary of the Mohonk Conference, Mohonk Lake, N. Y.

INTERNATIONAL ARBITRATION DURING 1909

This bulletin gives in concise form some events of 1909 that illustrate steady progress toward permanent peace. These facts are submitted in the belief that what is needed to insure more rapid progress in future is recognition by the public that work for international peace is now a real, practical common-sense movement appealing to every individual, rather than a visionary scheme to be left to mere idealists.

WORK OF THE HAGUE TRIBUNAL

The International Court provided by the First Hague Conference has determined two cases,—the Casa Blanca controversy between Germany and France (which derived great importance from the fact that those nations thereby made use of the Hague machinery) and an important boundary dispute between Norway and Sweden. The adjustment of these two controversies is of special interest because of the strained relations formerly existing between the nations involved.

The United States and Great Britain have referred to The Hague the long-standing Newfoundland Fisheries dispute. The documents have been filed, and the Tribunal is expected to meet in May, 1910. It is significant that the Tribunal should thus receive a question that for almost a century has baffled the diplomats of two great and friendly peoples.

The United States and Venezuela have submitted to the Tribunal one of the vexing questions that recently nearly caused serious complications between the two nations. This case will be tried in 1910.

It is also significant that Secretary of State Knox is reported to have recently declared in public that the United States has entered into communication with the other powers, with a view to establishing an International Court of Arbitral Justice as recommended by the Second Hague Conference.

OTHER ARBITRATIONS

An arbitration of great significance was that between Bolivia and Peru in the boundary question determined by the President of the Argentine Republic as arbitrator. Although Bolivia's final acceptance of the award furnishes a striking example of the tremendous influence for peace of international public opinion, still the intense dissatisfaction and disorder with which the award was received in the Bolivian capital greatly strengthen the argument for referring cases to the Hague Tribunal rather than to individual arbitrators.

Mexico and France have arbitrated the question of the sovereignty of Clipperton Island, the King of Italy acting as arbitrator.

Brazil and Bolivia have accepted the decision of an individual arbitrator in a boundary dispute.

The United States and Chili have submitted to the decision of King Edward of Great Britain the Alsop claims controversy between them. The decision is pending.

Chief Justice Fuller of the United States Supreme Court has undertaken the arbitration of a boundary controversy between Costa Rica and Panama.

The Central American Court of Justice has received its second case, but was compelled to dismiss it for lack of jurisdiction.

ARBITRATION TREATIES

At least twenty new treaties of arbitration have been concluded during the year between nations in pairs. The first of the treaties, signed in 1904, have expired, but in no case has one been denounced, while nearly all have already been formally renewed. The present number of treaties is not less than ninety-five to which thirty-six nations are parties, the United States alone having treaties with twenty-five nations.

OTHER EVENTS TENDING TOWARD AND ILLUSTRATING BETTER INTERNATIONAL RELATIONS

Have been the Declaration of the International Naval Conference of London, whereby many technical causes of past international disputes have been removed and the International Prize Court, provided by the Hague Conference of 1907, established on a working basis; the peaceful outcome of the threatening Balkan crisis; the signing in Washington of an agreement looking to the peaceful determination of all existing and future differences between the United States and Canada; the meeting of a great National Peace Congress in Chicago; the establishment in Boston of an International School of Peace, with a working fund of \$50,000 annually and assurance of a substantial endowment by its founder, Mr. Edwin Ginn; the establishment in our State Department of a Latin-American Bureau, in recognition of the increasing international relations with our Southern neighbors; the continued and greatly increased international exchange of teachers; the establishment by the Interparliamentary Union of a permanent office whose final headquarters will be in the Palace of Peace at The Hague; the visit to England of the civic authorities of Berlin as guests of the City Corporation of London; the similar visit to Germany of more than fifty British clergymen; and the noteworthy reception by this country of the forty distinguished representatives of the commercial bodies of Japan.

It is hoped that readers of this bulletin will cooperate in the campaign of popular education that plans to replace indifference with practical knowledge, and to foster a compelling public opinion that will direct and support organized work for peace.

BULLETIN No. 4 TO BUSINESS ORGANIZATIONS ISSUED BY THE COMMITTEE ON BUSINESS ORGANIZATIONS OF THE LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION.

January 10, 1910.

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JOEL COOK, Philadelphia
HARLOW N. HIGINBOTHAM, Chicago
WILLIAM MCCARROLL, New York
MARCUS M. MARKS, New York
GEORGE FOSTER PEABODY, New York
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Committee

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AN INTERNATIONAL COURT OF ARBITRAL JUSTICE

The most important recent event in the cause of international peace is the proposition made to the nations by Secretary Knox, for the establishment of a PERMANENT COURT OF ARBITRAL JUSTICE. The proposition is being considered, and favorable expressions concerning it are reported from France and some other nations.

It may be asked why this step has been taken since The Hague Permanent Court of Arbitration is in existence and has accomplished such splendid results as the settlement of the Pious Fund case, the Venezuela Preferential Payment case, the Japanese House Tax case, the dispute between Great Britain and France over treaty rights in Muscat, the Casa Blanca controversy between Germany and France, the dispute between Norway and Sweden as to their maritime frontier, and has pending before it the difficult North Atlantic Fisheries dispute between the United States and Great Britain and the Orinoco Steamship case between the United States and Venezuela. The difficulty with the present court is in its composition which makes something better desirable under the wonderfully rapid growth of the cause during the past decade.

Hon. Elihu Root, while Secretary of State, said: "It has seemed to me that the great obstacle to the universal adoption of arbitration is not the unwillingness of civilized nations to submit their demands to the decision of an impartial tribunal; it is rather an apprehension that the tribunal selected will not be impartial." The essential fact which supports that feeling is that arbitrators too often act diplomatically rather than judicially. Granting that diplomats engaged in an arbitration have the purest motives, it remains that the litigant nations often find that questions of policy and not simple questions of fact and law are considered and determined. Mr. Root also said: "What we need for the further development of arbitration is the substitution of judicial action for diplomatic action."

At the Second Hague Conference, in 1907, a proposition made by the American delegates for the establishment of a judicial arbitration court was approved. The first article of the final agreement to this end reads:

"With a view to promoting the cause of arbitration, the contracting powers agree to constitute, without altering the status of the permanent Court of Arbitration, a Judicial Arbitration Court, of free and easy access, composed of judges representing the various juridical systems of the world, and capable of ensuring continuity in jurisprudence of arbitration."

This proposition was not carried to completion because the Conference could not agree upon an equitable plan of appointing judges to constitute the court, but only an agreement on this point by any number of nations is lacking to give the court existence for those nations.

The Second Hague Conference also adopted the joint project of the United States, Great Britain, France and Germany for the establishment of an International Prize Court whose jurisdiction, as its name implies, extends to cases of prize which can arise only during war. The United States through Secretary Knox has now proposed that this Prize Court be also invested with the jurisdiction and functions of a court of arbitral justice.

As Mr. Root has stated, the composition of a court is of first importance. From the court of arbitration established in 1899 (a numerous panel appointed by the signatory nations) a tribunal (usually of five) is drawn by the nations seeking its services. This tribunal sits only upon the one case at issue. Moreover, its members are paid by the litigant nations. It is now proposed to have a *permanent* court of approximately fifteen judges, appointed for twelve years in a manner that may be agreed upon, who shall be paid by the nations jointly an annual salary of about \$2,400 each besides about \$40 a day, with travelling expenses added, when they go into session. They shall have an annual session and shall elect annually three members, with substitutes, as a permanent delegation in residence at The Hague, always ready to try minor cases or cases for summary procedure. This delegation is a unique and promising feature of the proposed court. Surely every lover of peace must desire that Secretary Knox's proposition may be united with and the scope and powers of the prize court be extended or another court with the desired jurisdiction be constituted.

Dean Kirchwey of the Columbia University Law School has recently said: "There is an increasing and well-nigh irresistible pressure upon the nations—from within and from without—for the avoidance of war, and this rising tide needs only one thing to give it effect, and that is an adequate method for the settlement of international differences without the necessity of a resort to arms. This method now presents itself in an international tribunal composed of permanent judges of the highest character for learning and disinterestedness, administering justice according to law. * * With the institution of such a tribunal, the reign of law will be at hand."

At the lake Mohonk Conference in 1908 the representatives of business organizations in various parts of the country, declared that to aid the cause of international arbitration "practical education on the subject should be encouraged as the best means to hasten the day of a *World's Court of Justice*; that the business men being vitally interested in this, * * feel it their duty to assume a large share * * of this educational campaign." Such a campaign is for the development of public opinion in our own and in other lands. Of this, Hon. Seth Low, in an address connected with the Hudson-Fulton celebration, said: "The things and the forces that are seen are temporal. It is the things and the forces that are not seen that are eternal. * * More and more, in every country of the world, whatever be its form of government, this intangible public opinion is becoming the decisive force that shapes the destiny of the people. Slowly, if you please, but surely, there is developing a public opinion of the world to the bar of which every nation must come which breaks the peace of the world."

Business men everywhere should do their full part in developing a sound public opinion upon this vital matter in their own nation, and through their correspondents and connections in other countries.

BULLETIN NO. 5 TO BUSINESS ORGANIZATIONS ISSUED BY THE
COMMITTEE ON BUSINESS ORGANIZATIONS OF THE LAKE
MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION.

April 5, 1910.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*
JOEL COOK, Philadelphia
HARLOW N. HIGINBOTHAM, Chicago
WILLIAM MCCARROLL, New York
MARCUS M. MARKS, New York
GEORGE FOSTER PEABODY, New York
ELWYN G. PRESTON, Boston
CHARLES RICHARDSON, Philadelphia
CLINTON ROGERS WOODRUFF, Philadelphia
Committee

NOTE.—For additional copies of this bulletin or for further information, printed data or references concerning any subjects mentioned therein, address the Secretary of the Mohonk Conference, Mohonk Lake, N. Y.

THE CHAIRMAN: The delegates of business organizations present at this Conference have held meetings and adopted resolutions which will be presented as the official declaration of the business men by Mr. FRANK D. LALANNE, of Philadelphia, President of the National Board of Trade.

DECLARATION OF THE BUSINESS MEN PRESENT AT THE CONFERENCE

BY MR. FRANK D. LALANNE

For the peace of the world the business interests are most deeply concerned. It is essential to our prosperity and happiness that wars shall cease, so we have keenly taken up through hundreds of our business organizations our cherished hope, creating an earnest, determined sentiment in favor of a world's court of arbitral justice, feeling that by its establishment we may, in safety, organize and embark in trade at home and abroad, arranging our ventures for the years to come without fear, and in the absolute surety that our commerce will be undisturbed.

The influence of Mohonk has been carried by the commercial delegates to every corner of our land where men do business, and the chambers of commerce and boards of trade all join in a solid phalanx creating public opinion on the lines of the lessons learned here.

In Washington, in January, at the convention of the National Board of Trade, the greatest business organization in America, made up of nearly one hundred of the strongest chambers of commerce and boards of trade, resolutions were adopted identical with those of Mohonk, which were taken back to all the constituent bodies who, in turn, had resolutions adopted in each board. They are in every part of our land, from Hawaii on the west to Porto Rico on the east, from Waco, Texas on the south to Portland, Me., on the north, thus reaching directly and influentially hundreds of thousands of the leading business firms of our country.

So earnestly have commercial organizations in the United States advocated the making of world-wide sentiment on the Mohonk lines, that they are united with the International Congress of Chambers of Commerce of the world, which has held three congresses, one in Liege, in 1905; one in Milan, in 1906; another in Prague, in 1908; and the fourth will be in London in June of this year. The President of the National Board of Trade, who is the Chairman of the American delegation, and a member of the Permanent Committee, has attended all of these conventions, and will offer at the London meeting the following resolution, approved by Secretary of State Knox:

"THE NATIONAL BOARD OF TRADE OF THE UNITED STATES OF AMERICA in recognition of the spirit of international comity now prevailing throughout the world, and in the belief that all nations are sincere in their peaceful professions, and earnestly desire to promote the interests and welfare of mankind, requests that this International Congress of Chambers of Commerce and Commercial and Industrial Associations does

"RESOLVE, That this Congress emphatically recommends to all nations the establishment of a Permanent International Court of Arbitral Jus-

tice of free and easy access, composed of judges representing the various juridical systems of the world and capable of ensuring continuity in jurisprudence of arbitration."

It is now my pleasant duty to read the business men's declaration of this Conference. These business men are the representatives gathered here of the great chambers of commerce of the United States:

"The business interests of the world, whether they be those of manufacturers or commerce, of investment or of trade, are keenly alive to the abnormal conditions that from time to time destroy the confidence of peoples and interrupt the workings of their interdependence. The greatest and most distinctive of these are those of the apprehension or the positive realization of war. Nothing can be of greater importance than such agencies as will prevent these conditions from arising or will quickly end them whenever they do appear. Among these agencies the first in importance are those that develop mutual confidence and respect and beget a love of justice and a devotion to the right.

"We gladly recognize that to-day, as always, enterprise is the parent of business success and produces benefits to him who practices it and endless benefits to the world at large. But this enterprise must be limited by a recognition of the rights of others and a practice of the good rule of 'live and let live' coupled with the golden rule to do to others as we would that they should do to us. Might does not make right in business any more than in other relations. To ruthlessly crush a weaker competitor, whether that competitor be a neighbor or a resident of a foreign land or national combinations of men, always produces hatred and a desire for retaliation. No longer is it 'the good rule for every man, that he shall get who has the power, and he shall keep who can.' The pushing of enterprise to improper limits caused General Lord Napier long ago to declare that 'Trade causes disputes and armies settle them.' We can rejoice that proper trade can flourish without disputes and if they do arise they can, if men are so disposed, be settled by arbitration without resorting to arms. It is a serious impeachment of commercial integrity and love of justice that while business only flourishes in the broadest and most beneficent way in times of international peace, by its own abuses it has so often bought the most sweeping destruction upon itself. We reaffirm our conviction that commercial interests are and will increasingly continue to be a powerful factor in preserving the peace of the world.

"We hold that justice and righteousness are pre-requisite conditions to true business prosperity, and while we recognize that arbitration of the disputes between individuals and nations is the best means yet available for settling them, we regard arbitration as but an intermediate station on the way to the final consummation to be found in an international union whose arbitral Court of Justice will be the final court of the world from whose decision there can be no appeal. As ex-President Roosevelt said in the final words of his recent address at Christiania, 'The combination might be only to secure peace within certain definite limits and certain definite conditions; but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of mankind.'"

(Applause.)

THE CHAIRMAN: The Chair has pleasure in recognizing to speak to the declaration prepared by the business men, Dr. S. P. BROOKS, of Waco, Texas.

BUSINESS MEN AND THE PEACE MOVEMENT

ADDRESS OF DR. S. P. BROOKS

The spirit of forgiveness has the sanction of Heaven and it saves many a man from private warfare. We have passed through the travail of the ages, only just now to discover that the same spirit that ennobles private life promotes international good fellowship. Not to have allowed Andrew Jackson to fight duels according to the rules of the game made him feel like a coward. He was reared under a regime that prized the spirit of hate. It is said of the pugnacious old general that when he once thought he was on his death bed, he sent for a former mortal antagonist and asked him for forgiveness and pardon. The other man was prompt to forgive and started to leave the room, when the old warrior rose up on one elbow saying: "But, remember, Sir, if I get well it will be just like it was." Too frequently this has been and is yet the international spirit.

More and more men are coming to see that institutions grow and are not made. Our ancestors did not know the tricks of the modern tailor, but they did the best they knew. They did not order by telephone refrigerated meats, they went about in the forests hunting for food. In dire distress they sometimes ate each other. Just as soon as they discovered that it was better not to eat prisoners captured in war, they put them as slaves to taming wild animals and to herding flocks. Much later it was seen that freemen were better than slaves.

The hunter with crude implements of warfare put to rout the weaker man or race. He did this for business reasons, the only business he knew anything about. He nowhere knew about modern rights as exemplified in our courts of law. In the process of time the hunter became the herdsman. Herding the flocks was impossible without recognition of certain elemental property rights shown by possession. The chief herders became patriarchs. Diplomacy between nations became as simple as was that between the early patriarchs.

Ownership of property opened the way for agriculture. With the advent of the plow and a rational means of exchange grew the transformation and transportation of all products. Modern business supplanted primitive methods of trade. Trade is not possible in war any more than is growth of crops. Peace makes both possible, and neither is possible without peace.

Business men keenly resent the charge that they live by cut-throat methods. True, they want to make a living; they want to make money. There is to-day as much of heroism and of social goodness in the heart of a wise business man as in that of any sort of citizen. He who promotes transcontinental railroads over vast stretches of desert is a benefactor to humanity

and ought not to be hampered by the onrushing of any army. He is the builder and the maker of homes and happiness. God bless him; let him make money! So of other captains of industry.

Modern international law has reached the stage where it will not stand for national plunder. No force has wrought more in this than the laws of economics as seen in the movements of business men. They are coming more and more to see that every right has a corresponding duty and they are pitching their trade and traffic on that plane. We do not claim for them wholly the altruistic motive. We do claim, however, their good sense and their good use of experience.

Business men know that it is an archaic notion that seeks to settle their disputes by war. Indeed they are learning that honesty in business not only reduces the likelihood of war, but also the necessity for courts and their attendant expenses. There are few missionaries of the cross where the missionaries of trade have not gone. Drummers are the makers of business and the promoters of international good feeling.

It is not here contended that all business is legitimate, or all business men honest. We know well that many a war has been fostered by a class and for special interests, but all modern business cannot be held accountable for the rottenness of the few.

If nations will, by some concert of action, reduce their war budgets in time of peace, it will remove the greatest temptation for illegitimacy in trade and the most far-reaching cause of war.

It was long thought that war was productive. It is now, however, a strain on good fellowship to hear a man defend it any longer. It is no more an economic advantage to waste money in powder and bullets than in smashing out the window glass to help the glaziers, or to burn up the town to help the carpenters find employment. Every man has a capitalized value to his country. Whatever takes him out of productive toil adds to the business loss of the world.

In heaven's name, how long shall we yield to the loud talk of the many men about Washington whose whole living and future promotion depend on keeping the balance of us in a fright in order to extract money to pay the bills of imaginary wars? How long shall we propagate the jealousies of hate through wars as seen in all the early years of the United States toward England, or between Germany and France since the Franco-Prussian war, or the North and South since the Civil war, or between Japan and Russia now?

Out with the man or the idea that to be great a nation must be frequently in war! Out and away with the man whose heroic deeds of the past are now dimmed by his screeching to crowded houses about war with Japan. Out with fear and up with sense;

down with the jingo and up with the gospel of brotherhood of man, a doctrine not only Christlike in character but rational in practice. (Applause.)

The days of the professional soldier are rapidly passing. In saying this we do not lose sight of the valor and nobility of soldiers who so often served their countries in times of need. Industrial life offers a wider field for usefulness, glory and renown. If by chance we must fight in the future it ought to be only on the defensive, in which case citizen soldiers can repeat their oft accomplished victories.

As I have appealed for peace that business men may do their perfect work, so I appeal to the nations to combine against the sharks of gold who would thrive upon the interest of loans for the prosecution of wars for causes not first submitted to arbitration. If it be said that there is no help, then let an international agreement be made whereby wars shall never be fought except under certain explicit conditions and that any nation violating said agreement shall be temporarily ostracized from the family of nations. Furthermore, that all capitalists who lend money to governments under other than said prescribed rules shall do so at their peril, making said loans illegal and non-collectable in the courts of the signatory powers.

It delights us much to believe that among the business men we are rapidly coming upon the fulfillment of the dogma of Kant who said: "No national debts shall be contracted in connection with the external business of the state." (Applause.)

THE CHAIRMAN: The discussion will be continued by Hon. WILLIAM MCCARROLL, President of the New York Board of Trade and Transportation, and a member of the New York Public Service Commission.

SOME PRACTICAL ASPECTS OF ARBITRATION FROM A BUSINESS MAN'S VIEWPOINT

ADDRESS OF HON. WILLIAM MC CARROLL

It would be mere iteration to undertake to discuss the desirability or necessity of conditions of peace for the promotion and welfare of commerce. It has been frequently pointed out that commerce is not only a beneficiary but itself a promoter of peace. Underlying any permanent commercial relations, there are two fundamental conditions which alike are at the basis of any lasting peace, namely, a mutual knowledge of each other by the parties, and a mutual recognition of the advantages of friendly and business relations. Without these the continuance of either peace or commerce cannot be predicated.

It would be no less unnecessary to discuss the economic side of the peace question, pointing out the enormous cost of war and the preparations for it and the resultant burdens on the nations, as well as the waste of lives valuable and important to the state. With these phases of the subject all are familiar.

It may, however, not be amiss to consider here for a few minutes what may be said to the so-called practical man who frequently cites the fact of the constantly growing armaments of the nations and their colossal expenditures as evidence that the efforts put forth by the friends of peace are but impracticable strivings—inspired by noble and admirable sentiment, he will admit—for an ideal that can never be realized in the world, or, at least, not for a distant future. It may be admitted that on the face of things there is some ground for this position for those who look no deeper. The logic of the conditions would surely demand that if great advance toward permanent peace were being actually made, it should evidence itself, as a very preliminary, in a reduction of such armaments, which should be followed by constant steps to the end. On the other hand I assume the postulate that granted the desirability of the prevention of war and blessing of peace for the welfare and interest of humanity, by the same token there rests on every man who recognizes his duty as a man the obligation to do all that in him lies, as he may have opportunity, to bring about these conditions. The advocates of the cause of peace are not without specific evidence of great things already secured toward it. We may properly point to the many treaties of arbitration now in force between nations, to the establishment of The Hague Tribunal and the adjustment by it of many differences between nations, as well as to the adoption of humanitarian rules for their future conduct.

But while these instances illustrate the splendid advance, even they do not seem to me the greatest of the results of the work so far in behalf of peace, nor are they to be regarded by any means as the ultimate end which is to be obtained. To my mind the most far-reaching, the most important and the most potent practical accomplishment with full assurance as to the outcome is the successful enlisting of the interest of the peoples of the world in the great cause itself. Every business man who has engaged in any large enterprise, which is dependent upon reaching the general public, knows that before he can realize any returns he must exploit his product by "a campaign of education." He knows how costly that is and how laboriously it must be carried out. There are two objectives to be accomplished; first, he must arrest public attention; second, he must center public interest. Now, this takes time and money, but if he has faith in his product he stints neither. He knows that

if his work has been thorough and broad enough he can await with confidence the popular demand which will surely follow and his success is practically achieved with "the campaign of education."

Now, that is only an illustration from business life for the "practical man" of what is the course of every movement of public opinion, as well as of trade.

So it is in this effort for world peace. The fundamental and essential work heretofore has been to reach and arouse those most affected, namely, the people of the world. It seems to me that this "campaign of education" has already been magnificently successful. The desire and demand for peaceful settlement of national differences have been growing apace in constantly accelerated ratio until they may be said now to permeate the civilized nations of the earth. There is nothing more impressive in our age than the marvelous rapidity with which great results are brought about. This is so in every department of activity, as I need not take time in this presence to illustrate. We are seeing actual realization of the prophecy that "nations shall be born in a day." I am among those who believe that in the advance of this peace movement the most hopeful of us may ourselves be surprised by a large measure of fruition in the nearer future than even we dare to think. The nations are being prepared for it—in the fullness of the proper time. The voice of the people of the world, never more the voice of God than in this cause, calls out for peace and it shall prevail. The old proverb is true in this as in most affairs of men—"Where there's a will there's a way."

Following the inquiry further, the question recurs, what reason can be given why enlargement of armaments is so feverishly pushed by many of the nations in the face of the undeniable existence of opposition to war on the part of the people? One, if not the chief, reason seems to me to be because the remaining vital and essential element in the settlement of disputes is felt by governments to be lacking, namely, the recognized means of reaching an *assured finality* which shall be accepted as such and cannot be disturbed. The nations have approached close to that point, but have drawn back when they confronted it. They have reserved certain questions from arbitration treaties into which they have entered. Why have they done so? Ex-Secretary Root, that clear-headed and wise statesman, I think, put his finger on the weak spot. It is the suspicion or the impression on the part of the governments that arbitration means something of a compromise; and there are at least some questions in which there must be no compromise in the position of nations. It is undeniably true, as the ex-Secretary of State has pointed out, that while the results of most national arbitrations

have been equitable, their proceedings have partaken to a degree of the spirit and methods of diplomacy rather than of the impersonal judicial. This is not casting discredit on arbitration at all, because this difficulty is inherent, especially where the organization and personnel of the particular body of arbitrators are temporary.

To meet this situation, therefore, there has been proposed the establishment of an International Court, to be composed of skilled and eminent jurists who would adjudicate under judicial procedure. Secretary of State Knox has suggested, and happily his suggestion has been received with at least some favor, that the jurisdiction of the International Prize Court, already provided for, should be extended to such general international causes as might not, from their very technical nature or other reasons, be subject to arbitration, and thus the Court be organized forthwith. President Taft has also expressed himself in favor of an international court.

In whatever manner its establishment be accomplished, it seems obvious that much depends on the form and personnel of the Court. If it is to secure the adherence of the Powers, it must be so framed that they will acknowledge its decisions and be bound to accept them as final. Its membership would naturally be of most eminent men appointed in proportionate representation as to numbers by each of the signatory Powers, and the nominees of each subject to confirmation by all. Each government might exercise the same right in the approval of nominees as they now do as to the acceptability of ambassadors between nations. The foremost jurists of each country could doubtless be secured for a court so august and supreme. With the high personnel of its members, appointed for a prolonged term, known to the world, such court could not but have the complete confidence of the nations. The governments would not only be committed, but, by the international public opinion, as well as by binding agreement, would be compelled to submit their causes to its decision, and there can be no possible doubt that the decisions of such a court would be unquestionable and unappealable. Such court need not wait on the acquiescence of all the nations, but the agreement of the so-called "Great Powers" would sufficiently establish it as the final arbiter. A codification of international laws, now unformulated and unwritten, and the obligation of legal precedent would be brought about founded upon the supreme law of righteousness as apprehended by the world. With the finality of arbitrament thus indubitably secured, steps could then be taken by the Powers with confidence and safety for the gradual reduction of armaments and the abolishment of war.

But having said this, it remains to be added, for it cannot be denied, that taking a world-wide view there are conditions existing among some of the peoples of the earth which may make the full realization, so far as its universal application is concerned, to be necessarily postponed.

While, perhaps, no words should be suggested of apprehension, candor in dealing with the subject forbids that the conditions which I have in mind should be overlooked. It is conceivable that reaction arising from, or complicated by, hereditary and religious fanaticism on the part of some of the remote peoples against the spread of so-called western civilization, and revolution against the dominance of western Powers, may necessitate for a time, more or less indefinite, the maintenance to a sufficient degree of armaments by the Powers for such possibilities as these conditions indicate. This, however, does not forbid the carrying forward of the program to insure abiding peace and the means of securing it among the Great Powers themselves, the achievement of which seems almost within sight.

That was the hope, the aim and the effort of the great King whose funeral is being observed on this very day. His body is being followed to its resting place by the rulers of the world, his death lamented by the civilized peoples of the earth, while the memory of Edward the Peacemaker will forever be enshrined. It is most fitting that the United States should there be represented by the advocate of peace, the stalwart upholder of might when "might is right," the former President of our own country, also the worthy recipient of the Nobel prize, Theodore Roosevelt. As we of the United States join with the people of the British Empire in sympathy and sorrow, we join with them also in the hope and expectation that their succeeding King will carry to completion the noble efforts of his father, and that his influence will be as potent in promoting the peace of the world as was that of him who is laid at rest to-day. (Applause.)

THE CHAIRMAN: Having completed the business of the session and the reports and papers on colleges and business men, we return to the general subject.

As the next speaker, I have great pleasure in presenting a distinguished American who many times, and particularly at the London meeting of the Interparliamentary Union, has given powerful support to the cause we are assembled to promote,—Hon. WILLIAM JENNINGS BRYAN. (Applause.)

THE FORCES THAT MAKE FOR PEACE

ADDRESS OF HON. WILLIAM JENNINGS BRYAN

I have been trying for a number of years to arrange to be in this place at one of these Conferences and I esteem myself fortunate that this meeting was held at a time that just exactly fitted into my plans.

I am sorry that I have not had a chance to hear what has been said by others; in fact, it has been my fate during the last few years to rush into places just after others had finished speaking and to rush out after I had finished speaking, so that I have had an opportunity to hear myself more frequently than has been necessary, and I have been denied the great pleasure of hearing from others the great truths that have been expressed on this and on kindred subjects.

I am not sufficiently acquainted with your program to know what phases of this question have been covered, or what subjects are to be treated by those who speak after me. I do not know, therefore, how far I shall invade the fields that others have covered or anticipate what others may be prepared to say; yet we are all so different in method of expression and in mode of thought, even when we are one in purpose and desire, that almost any number can talk upon the same subject and each, viewing it from his own point of view, can present just a little different line of thought from the others. I think I can crowd into thirty minutes what I want to say, but if I am not through when the time is up, they can call me down and if I feel you are missing a great deal by the termination of my speech it will make me more anxious to come again and conclude my remarks.

I thought that I would speak of the forces that are back of this movement, for one cannot understand the strength of a movement, nor can he judge of its permanency, unless he knows the reasons back of it. In law school we read the maxim, "He knoweth not the law who knoweth not the reason thereof." So he cannot accurately judge of the strength of this movement unless he understands that back of it are forces which are universal, which are continuous in their operation and which are irresistible. My faith in this movement rests upon the belief that the forces back of it must of necessity bring it to triumph, and faith is, in itself, a great motive power. One cannot please God, we are told, without faith, and I think that is a very conservative statement of the proposition. I think I might make it stronger than that and say that without faith it is not only impossible to please God, but impossible to do anything else of importance. Unless one believes, he cannot act with enthusiasm, nor can he lead others to believe. If I were going to define eloquence, I would say it is the speech of one

who knows what he is talking about and means what he says. It is only when one speaks from his own heart to the hearts of others that he really moves people or persuades them or leads them to act, and he must himself have faith if he would induce others to believe.

To have faith one must build upon a sure foundation. Those who believe in the coming of the day when nations shall not rise up against nations and when peoples shall learn of war no more,—those who look forward to the coming of this day have faith and they have something for the faith to rest upon. All the great forces of the world make for peace. The intellectual progress of the world cannot be downed; and there is not a nation in the world in which there is not intellectual progress. The number of schools is increasing constantly; the attendance upon the schools is increasing yearly, the standard of education is rising every year. That is true in this country, in every state in this country; it is true on this hemisphere and in every country on this hemisphere; it is true in the Eastern world and in every country there. Now if it be true that everywhere there is intellectual progress, if it be true that everywhere the minds of men are becoming unfettered, if it be true that everywhere people are rising intellectually and taking a larger survey of their relations to the world,—it must necessarily follow that with this intellectual growth there must come a greater demand for peace; for the more intelligent a man is, the more clearly he discerns that might cannot make right, the more clearly he discerns that no moral question can be settled by force and that where force settles a question it is only a temporary settlement and if it is settled on the wrong side it simply means that there will be accumulating protest until a new settlement is undertaken. The best force, therefore, that makes for peace is the world's intellectual progress. I might add that in these assemblies we see the evidences of that fact because we find great educators, intellectual lights, raising their voices in behalf of peace; we find those persons who are foremost in the educational world giving of their time and of their thought for the promotion of peace. This is true not only here but everywhere. If there were no other evidence of the coming of a world-wide peace we could find sufficient proof of it in the one fact, alone, that the world is growing more intelligent; and we can believe that in proportion as it grows more intelligent it will substitute brain methods in the settlement of difficulties for the physical force methods that have been employed in the past. (Applause.)

But there is another force that works for peace. It is the progress of the world toward popular government; and this is just as marked and just as universal as the progress of the world in education. All over the world you will find that government

is being brought nearer to the people; that all over the world the power of the individual is increasing; he is asserting himself more and more. First we had the monarchs who reigned without limitation, then we had the monarchs who reigned with limitation, then we had the few who ruled over the many; but year by year the heights are being brought down and the valleys are being raised and man is more and more becoming a man "for a' that." The power of the individual is an increasing power and you cannot find a country that has not at this time, that has not at all times, a controversy in which democracy—and of course I do not use it in any partisan sense but in the broader sense in which we are all democrats—in which democracy is on the one side and aristocracy on the other. In this world-wide and continuous contest between aristocracy and democracy, democracy is gaining and aristocracy is dying; and with this growth of popular government there must necessarily come the discouragement of war. Kings used to use their people merely to secure fame and honor and wealth for themselves. The burden of war has always been upon the masses, and the time was when they could not protest against being slaughtered to advance some person's personal interest. But with the growth of popular government, with the increasing voice of the masses in government, there comes a rising protest against war and a rising demand that peaceful methods shall be substituted for violent methods. In war the masses bear the burden; the children of the masses die upon the battlefield, while the glories of war and the profits of war go to the very few. I say, therefore, that the second great cause, or great force, that lies back of this peace movement is the growth of popular government.

But there is another force, and I am not sure but it is a stronger force than either of those I have mentioned. It is the moral growth of the world. Let no one think that the world is getting worse. The world is getting better, and that is not only true here but it is true all round the world. There is more altruism in the world to-day than there ever was before, and there is more altruism in this country than in any other country that ever was or is to-day. If any one doubts the altruism in the world let him investigate what is going on in the world; let him stop counting his money for a while and see what those people are doing who are spending money instead of making it, who are more interested in finding out what money will do than they are in finding out where they can get some more,—and he will find that altruistic influences are reaching out and are girdling the world; he will find that this nation is at the very head, and that this nation is spending more money per capita outside of this country in an unselfish interest in humanity and for the advancement of the world's welfare than

any other nation in the world or any other nation that the world has ever known. But we have no monopoly on this. I speak only of our primacy, and when I speak of our nation being ahead, let no one from any other nation take offence. It is necessary that our nation shall lead to avoid a just censure, for this nation has received from the world as no other nation has ever received, and if it be true that much is required of those to whom much is given, then our nation must, if it remember its obligation, give more than any other nation has ever given. Every nation in the world has contributed to a greater or less extent to our triumph, to our growth and to our greatness, and we would be worthy of the severest condemnation if we did not in gratitude for what we have received give abundantly of our abundance. I repeat that there is a moral progress in the world; there is a recognition of the doctrine of brotherhood such as has not been known. (Applause.)

About five or six years ago I ran across a letter that was written by Dumas about fourteen years ago. He said that we were on the eve of a new era; we were on the eve of the era of brotherhood; that the world was about to be seized with the passion of love; that people were going to love one another as they had never loved before. Tolstoi read this letter of Dumas and two years after the letter was written by the great Frenchman, the great Russian endorsed the doctrine and said that he, too, saw the signs of the coming of this day. Within the last ten years I have seen evidences of it. I might give you one.

Ten years ago we had scarcely a Men's Club in the churches—I say scarcely, I do not mean to say we had none at all, but few compared with what we have now. Within ten years Bible classes have been formed in almost every church of prominence. And this is not true only of the various branches of the Protestant church, but there is progress along this line in the Catholic church as well. All of the churches are bringing their men in; they are getting their men to study. Go to the book shelves; go to the catalogues and see how many books are being written to-day on the one subject of the application of religion to life, and you will find that never before has there been such a scrutinizing of the individual's acts and such an effort to make his life conform to his professions. (Applause.)

I believe that this movement is more than a national one. I went three years ago to the first meeting of the National Brotherhood of the Presbyterian church. They had about one thousand delegates there at the first meeting. At the second meeting they had about fifteen hundred and at the third about two thousand. And it is only a few years ago that that first meeting was held. Following the formation of the Brotherhood in the churches, all of these denominations are now linking local organizations

together in great national organizations. We have here one (Dr. Francis E. Clark) who is identified with a great movement, I can also say with whom a great movement is identified. I attended a Christian Endeavor Society last year at St. Paul and I found there an immense gathering representing some two millions and a half. The growth of this is significant. The growth of the Young Men's Christian Association is equally significant. I think I am entirely within the truth when I say that more money has been raised to support the Young Men's Christian Association in the last ten years than was raised in the preceding fifty years. I mention these as some of the evidences.

This peace movement is another evidence. It is an outgrowth, a symptom, an illustration, and to this awakening sense of brotherhood I look for mighty results in the spread of this movement. I would say, therefore, that back of this peace movement there are three mighty forces: the world's intellectual progress, the world's growth toward popular government and the world's recognition of the doctrine of human brotherhood. Now, as naturally and necessarily follows, there are different ways of expressing this desire for peace; there are different ways of securing peace, or, I might better say, of attempting to secure it. We do not all think alike. When we agree as to the end we differ as to the means of reaching it. Regarding the family—if you attend a meeting where they discuss how to train children you will find that some will believe that you ought never to use the rod; others will tell you there has been no change from the old doctrine, “spare the rod and spoil the child,” and yet they are equally anxious to improve the child; a difference merely as to how to get at it, or to reach that desired end.

I went to a meeting a few years ago and I heard a speech made by an eminent scientist of Europe. He gave an argument in favor of peace I had never heard before and I doubt if I will ever hear it again. He said he was opposed to war because it was not in harmony with the theory of the survival of the fittest; that war killed off the strongest instead of the weakest, therefore he was opposed to it. I am glad to have anybody help in peace no matter what his reason is, glad to have his influence on the right side no matter upon what he bases his argument. I think, though, that more of us believe that war is bad because it kills *anybody*, whether strong or weak. We will get all the people we can to help bring peace on the theory that it is bad to kill anybody, and when we get up pretty near to getting peace there may be enough of those others who think war is bad because it kills the strongest to make a majority and we will be grateful to them if they will come in and help. So you will find two schools for thought as to the best way to bring about peace.

I attended a peace meeting the other day at which there was

one other speaker besides myself and he spoke first. He advocated the large navy plan of bringing peace—that we could promote peace better by standing in a position where we could tell a people if they did not do this or that, they would better. Well, they are honest, just as honest as we are, and they seem to be more numerous just now than we are. That is another reason why prudence would dictate that I say they are as honest as we are. I would not like to believe that there are as few people honest as agreed with me. I am bound to believe that there are a great many honest but misguided people who ought to agree with me. I am anxious to have these people who believe in coercing peace, who believe in peace with a swaggering accompaniment—I am glad to have them help all they will, and I hope they will help a great deal. It is barely possible that they may get the armaments so large in some nations as to make it impossible for them to support the expenses of war. That is possible, but there is no reason why we should not work on the other line at the same time, so that while these people with all their honesty and good sense are trying to scare the world into peace, I think some of us at least ought to stand for the doctrine that we may love the world into peace. (Applause.)

I do not want to say that those who differ from us cannot find Bible authority, for unfortunately people have found Bible authority for almost everything; but I find Bible authority for our idea. It is good doctrine, it comes from the highest source; it not only comes from the Bible but from Christ himself, who said, "So live that others seeing your good works may be constrained to glorify the Father." Christ placed the emphasis upon the example, upon the influence of the uplifted life; and I know of no way of judging nations except to apply to nations the rules that we apply to individuals. I know of no limitation that can be placed on a moral principle. I know of no moral principle that applies to one human being that does not apply to a group, no matter how large it is. I do not understand how a nation can become great except upon the very plan that the Almighty has laid down for us to build greatness on, and it seems to me that there is infidelity in the idea that we cannot afford to do right till somebody else joins with us. You cannot tell what good an example will do until you set it. You cannot tell except by testing it what influence will go out from an uplifted life; nor can you tell till you try it what influence will go out from a nation that sets an uplifted example. (Applause.)

I believe in these international meetings; I believe that our people ought to be represented and that we ought to try to get agreements with nations to do the things that are good. But I do not believe this nation ought to wait for any other nation to agree to do what is right. It ought itself to do what is right.

I have faith in what I understand to be the Bible plan of bringing about peace.

Suppose we had two men here who differed, honestly differed, as to the method of bringing peace among men. I would suggest this plan of testing the two plans on a small individual scale that we might then judge as to how it would apply on a large scale. I would say to these two men to put their plans into practice. Let one of them strap revolvers round him and announce that he stood ready to avenge any insult, and he would bring peace by fighting for it. Let the other announce that he did not intend to do injury to anybody, that he would assume that nobody was going to do injury to him, that he was not going to arm himself; and he might go even further and announce that he would promise in advance not to resist any violence attempted against him or to punish any man or any woman who struck him. Which one would have the fewer scars at the end of ten years? My friends, if this nation announced to the world that it would not spend its money getting ready for wars that ought never to come, that it would rather try to prevent the coming of war, that as it did not intend to go out as a burglar it would not equip itself with burglary tools, that it had faith in the good intent of other people and it expected other people to have faith in its good intent, do you think our nation would suffer for that? (Applause.)

Some one has said here—I believe it was the distinguished President of Columbia University—that whenever there is an appropriation to be made for battleships it is preceded by vociferous expression of a profitable kind of patriotism—the spending of money for battleships. I am glad he said it. Every time there is something good to be said that is strong I am always glad somebody else has said it so I can quote it—I am so conservative! (Applause.) Whenever I wish to make a radical expression I always look for some man who stands higher than I do and if I can find that he has said what I want to say then I can say it and hide behind authority. So I am glad that one of these college presidents, one of these big men says a thing like that because I can now quote from him and it will be more effective than if I said it first,—but what he said was so.

We have a navy league in this country; they have one in Germany; they have one in Great Britain and they have one in France. These navy leagues play one nation against the other. Whenever we build a battleship the picture of it is published in the literature of all the other countries and the building of that battleship is urged as a reason why all the other nations should build at least one more, and possibly two. Then when they get scared and build, we get the picture over here and we must build another. That is exactly what goes on and what

has been going on for years. We are expected to get scared whenever another nation builds a battleship and then we are to build two and scare them until they build three and we get scared again and build four. That is exactly what is going on, and I am satisfied that President Butler put his finger upon the cause. It is this profitable patriotism that finds money in the building of ships and getting ready for war; and then as soon as we get our ships built, the very same forces will forget their patriotism and, if they get a chance, build ships for other nations to beat our ships. I have sometimes used this illustration: Suppose there was a large lake, and suppose that there were half a dozen land owners, with their lands bordering on this lake, living peaceably together, without trouble or sign of trouble. A man who builds ships goes to one of them and says, "You are very foolish; you are living here with no protection whatever. Don't you know that any of these men around you might build a battleship and come here and you are absolutely defenceless. Now let me build a ship for you and you will get ahead of them." Suppose the man was foolish enough to take the advice. Just as soon as that ship was built, the ship builder would go to the next neighbor and say, "Why, don't you see that man over there has got a battleship? What has he got that for? Do you suppose he is building it for nothing? Have you any doubt he has designs on you? Where else can he use it except on this lake? You better get ready. Now I can build you two." And if this man is foolish he would build two. Then what an argument the ship-builder would have when he got to the third man! "Why, there are two of them against you. They might combine and you are absolutely defenceless." Now with that argument he could go all round that lake, and after building ships for each one he could go back to the first one and say, "You are out of date. Look at the improvements since you built. And then you have only one and these other people have four or five or eight apiece. There is nothing for you to do but mortgage your land. Now your are in for it!" Now that is the race of the world, my friends, that is the mad race of the world. (Applause.)

I have to be parliamentary down East; out West I can speak with a little more freedom and that makes it hard for me to express myself on these subjects with the language that is considered proper in these public meetings. (Mr. SMILEY: You need not be afraid here.) Could I just imagine for a minute I was at home? (The CHAIRMAN: Oh, yes.) Well, my friends, if this were a place where I could speak with freedom and say what I wanted to say, I would say that the building of these great battleships, these preparations by Christian nations to fight one another, is a challenge to the Christian civilization of the world; it is infidelity to the doctrine taught by the Founder of the

Christian religion. Christ taught no such doctrine; he taught us the power of love, not the power of the sword; and those who have tried to put into practice this doctrine are the ones who have suffered least from the use of force.

I suppose that the most significant example in all this world to-day of one who lives as he preaches this doctrine of love, is the case of Tolstoi. He is not only a believer in the doctrine of love, but he is a believer in the doctrine of non-resistance, and there he stands proclaiming to the world that he believes that love is a better protection than force; that he thinks a man will suffer less by refusing to use violence than if he used it. And what is the result? He is the only man in Russia that the Czar with all his army *daré* not lay his hand on. Those who have gone out preaching the doctrine of force in Russia have gone into isolation, while Tolstoi stands there and waits for them to come; but the power that is about him, the power that is over him and the power that is in him is proof against violence. I believe it would be true of a nation. I believe that this nation could stand before the world to-day and tell the world that it did not believe in war, that it did not believe that it was the right way to settle disputes, that it had no disputes that it was not willing to submit to the judgment of the world. If this nation did that it not only would not be attacked by any other nation on the earth, but it would become the supreme power in the world. (Applause.) I have no doubt of it and I believe that the whole tendency is toward that policy. I believe that our nation can take a long step in advance now by announcing doctrines of this kind, announcing that its navy will not be used for the collection of debt; that as we do not imprison people for debt in this country, we will not man battleships and kill people because they owe people in this country; that we will apply to international affairs the very doctrines we apply to our national affairs, and if any one in the United States wishes to invest money in another country he must do so according to the laws of that country and be subject to the authority of that country. Then every nation would be open to American investment. For that is the kind of investment they would look for. They have had enough of investments which are preceded by the purchase of a little land to be followed by a battleship that takes the rest of the country. I believe that from every standpoint this would be a proper thing.

I believe that if our nation would announce to the world that it stands ready to enter into a treaty of peace with every other nation, big or little, that whenever there is any dispute which is beyond diplomatic settlement that dispute shall be submitted to an impartial tribunal for investigation and report,—if our nation did that, it would not be a year's time before we would

have treaties of peace of that kind with the leading nations, and in two years' time with practically all nations. And when this nation had entered into that kind of treaty of peace with other nations we would find the example such that it would result in treaties being made between other nations, and the day of war would be past. (Applause.)

Every time we talk about arbitration they say, "But there are some questions that affect national honor and you cannot submit that kind of a question to arbitration." The trouble is that whenever a nation wants to fight it manufactures a question of honor. It is like the old doctor who said, whenever he was asked to treat a disease which he did not understand, that he could not treat that disease, but he could give the patient something that would knock the patient into fits and he was death on fits! So, my friends, whenever a nation wants to go to war, no matter what the subject is, it turns it into a question of national honor and goes to shooting. If we could have an investigation of every controversy that is not settled by diplomacy, we would separate the question of fact from the question of honor, and I think, when the questions of fact were settled, we would generally find there was no real question of honor. (Applause.)

But I have run over my time. (MEMBERS: Go on, go on.) No, I have shaped my speech down to make it as near half an hour as possible, and if I go on I would have to begin over and make a new speech. I am very glad to have had this opportunity of meeting with you. I am glad to join with you in an effort to advance a movement in whose ultimate triumph I have absolute confidence. When one is working for something which he believes is right and for something which he believes will triumph, he is not so particular as to the exact date of the triumph. A man who is trying to get something that he knows to be wrong must get it right away, for he knows if he does not get it soon he cannot get it at all; but when one works for something he believes to be right, he knows that every hour will increase the chances of his triumph, for he believes that back of truth stands God with an arm strong enough to bring victory to his side. (Applause.)

THE CHAIRMAN: We are now to hear from Dr. FRANCIS E. CLARK, of Boston, or, more correctly, of the world of Christian Endeavorers.

PEACE SENTIMENT IN THE FAR EAST

ADDRESS OF DR. FRANCIS E. CLARK

I realize that it is almost time for this Conference to adjourn. I should be glad to be excused altogether, but have been asked by the Business Committee to say a few words, as in my recent

travels I have seen something of the progress of the peace movement in different parts of the world.

I returned a few weeks ago from my fifth journey round the world. These journeys have been made in different directions, sometimes going East, and sometimes West, through the Suez Canal, across Siberia, to Australia, New Zealand, and South Africa. I mention this simply because it furnishes the reason for my speaking at all at this late hour. During all these journeys within the last twenty years, I have constantly seen a rising tide of peace sentiment in every country where I have been; I have found from year to year that there has been a growth, most appreciable and most delightful to witness, of this sentiment in favor of the things in which the Lake Mohonk Conference is interested and for which it stands.

I have just attended a great convention in India of the young people of India and other lands, where some forty different nations were represented and some thirty different languages were spoken. It was really a great international peace conference, because we had come together on the basis of fellowship and good feeling and mutual love one for another. If I may speak in any representative capacity for the young people whom I know in this country and other countries, I am sure I can say that these sentiments are growing stronger and stronger in their hearts with every year that goes by. There is scarcely ever a large convention or conference of Christian Endeavor Societies that international peace in some phase, is not one of the subjects presented, for it is a part of every good citizenship propaganda. I do not think the education of young people could be carried on along religious lines unless this is made one of the features of their education.

We hear a good deal about Japan in these days and are led to think, by some, that Japan is spoiling for war with America, that they are about to swoop down on our Pacific Coast, to bombard San Francisco, Seattle, Tacoma and other coast cities.

In this journey which I have just made in company with a large number of fellow Americans, there has been no country in all the world where we received such a generous welcome and heard such sentiments of love for America as in Japan. (Applause.) When we landed in Nagasaki it seemed that every man, woman and child was out to welcome "the Americans." Most of them had two little flags to wave, one of the Japanese, which they love so well, and the other the Stars and Stripes; and I can say without hesitation I have never seen so many American flags in all my life as I saw in Japan during the two weeks I was there in January last. Not only from the common people did we receive these tokens of welcome, but from the mayors of the cities, presidents of the boards of trade, and such

great statesmen as Count Okuma, Baron Shibusawa, and others. I had the privilege of an audience with the Emperor himself. It was no mere personal compliment, but was accorded me chiefly because I was an American and represented an American religious organization. From the highest to the lowest the sentiments of regard, deep and lasting toward America were expressed by every one. It seems to me, as one of our diplomats has just said, that the thought of war with Japan is too absurd even to be considered as a joke. (Applause.)

Let me say a word or two in regard to some of these smaller nations to which reference has been made. I have heard it said once or twice since coming here that questions of peace and arbitration concern the great nations chiefly; that the small nations do not go to war with one another, or if they do, the wars do not amount to much. I think they do amount to just as much proportionately for small nations as for the great nations. In Panama, just before the taking over of the Canal Zone by the United States, there was a war between the people of Panama, and the people of Colombia, to whom the Isthmus then belonged. This civil war decimated that country as few countries have ever been decimated in the history of the world—far more were killed, in proportion, than in our own Civil War. A few years ago there was a war between Brazil and Uruguay on the one side and Paraguay on the other. It was a most disastrous war, which ended in almost the extinction of Paraguay; over 225,000 men were killed, and 100,000 women were killed or died in consequence of the war. When it was over there were only 25,000 able bodied men in all that country of Paraguay. There were five women to one man so that for years the labor of the fields had to be largely done by the women of Paraguay. I do not think that anywhere in the history of modern times has there been such a war of extermination. So, what we are standing for here means just as much to the littlest nation, to the smallest group of peoples in the world as to the great nations that figure so largely in the history of our times.

In closing, let me say that I think it is because the spirit of love underlies this Conference, love not only for the nations of the world, be they large or small, not only for those far away but for those close at hand, that Mohonk has exerted its nation-wide and world-wide influence. (Applause.)

THE CHAIRMAN: There remain a few minutes for discussion from the floor. The Chair recognizes Mr. CHARLES HENRY BUTLER, of Washington.

THE PROHIBITION OF NAVAL FORCE IN COLLECTING DEBTS

REMARKS OF MR. CHARLES HENRY BUTLER

Our distinguished guest who made such an admirable speech this morning, failed to complete his reference to the use of our navy in collecting debts by speaking of what I think he would have if he had remembered it, that is, the action of the Second Hague Conference on this point.

As a delegate to the Hague Conference in 1907 my principal duties were in connection with one of the American delegates, General Horace Porter, incidentally President of the Navy League of the United States, in obtaining the passage by that Conference of the convention which became an actual reality and which to-day binds, by ratification of the Senate of the United States and by ratification of other nations, nearly all the great nations which have great navies, that their armed force, naval or military, shall not be used for the collection of a contractual debt in the case of any nation which has not refused to submit the matter to arbitration, or, after arbitration, failed to comply with the award. There is no danger of the navy of the United States—and I am quoting almost the words of General Porter, as he spoke it, then as prophecy which has since become an actuality—being used as sheriffs, the Navy and the gallant men of the Navy being used as sheriffs, for the collection of debts. That step forward was one of the greatest steps which has ever been taken in the interests of peace by any conference in the world. The second Peace Conference at The Hague, if it had adopted nothing else than that little paragraph, which is no longer that the one I read yesterday as to the limitation of armaments on the lakes, would have fully justified the Conference, all its cost and all the time it took. (Applause.)

THE CHAIRMAN: Our distinguished guest, the DEAN OF WORCESTER, is recognized.

VERY REV. W. MOORE EDE, D. D., Dean of Worcester: May I be allowed just a moment or two, as an Englishman, to express the thanks which all Englishmen and those who are subjects of the British Crown here present must feel to Mr. Smiley for the memorial service* that preceded this session to-day. I desire also, as an Englishman, to express my thanks to you all for the sympathy that you have shown to us in our great national bereavement. Last, but not least, let me thank Dr. Butler for that admirable and excellent speech that he gave us at the beginning of the services this morning. No English-

*For an account of the service see Appendix.—*Ed.*

man could have done it better,—by which I mean a real compliment, for he appreciated the value of the King and the work of the King as a constitutional sovereign in the way in which we Englishmen, accustomed to the exercise of constitutional power, realized the value of the King's services; and quite apart from the eloquence of the address, it showed a thorough appreciation and understanding of the English position and of the virtues of our great King. Perhaps a statement from one of our youngest children will support what I have said.

Hon. W. L. MACKENZIE KING, Minister of Labor of Canada: Dean Ede has spoken on behalf of the Old Land a word of thanks to you, Mr. Smiley, and to you, Mr. Chairman, for the service which we have had this morning. May I reëcho the word of thanks on behalf of the outlying Dominions; the impressiveness of the service in which we have all sorrowfully participated this morning has not, I assure you, been more deeply appreciated than has the kindly, reverent thought of which it is so graceful an expression.

THE CHAIRMAN: The Conference will stand adjourned until this evening at eight o'clock.

Sixth Session

Friday Evening, May 20, 1910

THE CHAIRMAN: As the first speaker of the session, I am glad to present a well-known business man of Birmingham, Ala., Mr. BELTON GILREATH.

THE SOUTH AND THE PEACE MOVEMENT

REMARKS OF MR. BELTON GILREATH

In consenting to go on this program I did so with a clear understanding that only a brief informal talk was expected of me, and that was to be in the nature of a statement as to how we in the South view this question, and a report as to what was being done by us to advance the cause of international arbitration.

It was stated by Mr. Phillips, the Secretary of this Conference, in extending the invitation to make these remarks, that Mr. Smiley was somewhat anxious that the South have larger representation at this Conference and that both he and Mr. Smiley had been somewhat disappointed that in the past so few Southern representatives had attended.

Having considered all this, I decided to attend this meeting, not to make an address particularly, but to meet Mr. Smiley personally and to avail myself of the great opportunity which he has offered us to get in closer touch with this lofty movement, and to report to our people in the South what is our part to take in that movement.

I believe I wrote Mr. Phillips that I would give the Conference a short report of what we were doing in our section for international arbitration. This I can do in very few words, in view of the fact that our work in Alabama and adjoining states has been principally confined to peace teaching and sermons in our public schools and colleges, and occasional addresses on international arbitration by men of high standing and approved judgment.

I might add that my attention was first called to a consideration of this question by a speech delivered by Judge J. M. Dickinson, now Secretary of War, to the students of Vanderbilt University at Nashville some years ago. On account of my personal acquaintance with Judge Dickinson I commenced to study the subject and finally decided to get into closer touch

with the work as a means of accomplishing the most good by such part of my surplus time and means as I could apportion to it.

As far as the South is concerned, it should not be forgotten as Dr. Mitchell from South Carolina remarked yesterday, that the South has its hands comparatively full at present in the great problem of racial adjustment in which we are engaged. But regardless of this fact we wish to assure this Conference that we will do our part in this work also.

Personally I am here to get hold of the central thought of the Conference, to find out the next thing to do, and, as a business man, to help in the business end of the movement.

Having made this statement and report, I shall not presume to advise the Conference or to offer any suggestions looking to the prevention of war. War, however, will finally end because we are all fast finding out that it is not a rational way to settle difficulties. How soon the end will come depends, of course, on how fast we are able to educate public opinion.

I believe that one of our distinguished statesmen has been quoted as saying that our Monroe Doctrine was as strong as our American army and navy and no stronger. The best reply is attributed to Hon. John W. Foster who stated that there was one thing stronger than our army and navy, and that was the sentiment of mankind.

Therefore to my mind, this seems conclusive that the education of public opinion is the great task before us. (Applause.)

THE CHAIRMAN: Our next speaker, Hon. OSCAR L. WHITE-LAW, is the Assistant Treasurer of the United States at St. Louis.

WHY THE BUSINESS MAN SHOULD BE INTERESTED IN THE EARLY ESTABLISHMENT OF THE INTERNATIONAL JUDICIAL ARBITRATION COURT

ADDRESS OF HON. OSCAR L. WHITE-LAW

The first decade of the twentieth century has nearly all passed into history. Enough, to fairly well convince all thinking people that no previous hundred years in the Christian Era has ever been so fraught with the spirit of the Divine Master, whose life and death first brought to the attention of humanity, our duty to God and our fellowman.

It has been a long, hard, and at times seemingly hopeless struggle, but is the day of better things not dawning, yea already here? When has there ever been a time in which Earth's material wealth has been so lavishly poured out for the allevia-

tion of ills of suffering humanity, as since the beginning of 1901?

Just to cite the latest striking illustration, note the spontaneous uprising, called the Layman's Missionary Movement, culminating in a monster mass meeting held in Chicago this month, the slogan being, "the giving a knowledge of the Christ Evangel to every person on the globe in this generation." A great task, say you, but is there anything impossible when a united personal effort is put forth to do God's work, fulfilling His commands? The world at large, is providentially open to-day, as never before, for the accomplishment of this work.

The object which calls us together here at this time is a manifestation of the same spirit in another direction, having the ultimate welfare of all peoples, everywhere, in view.

There is a sublimity in the thought that already the nations of the earth have advanced to the position that the peace, which all desire—peace based on justice,—can only be attained by conciliation and arbitration such as outlined and advocated at this Conference. War never brings permanent peace, for the principle of justice involved in the controversy is usually left unsettled.

The sentiment in favor of arbitration, is becoming world wide, and will finally prevail. The foundations of our international tribunal are already laid, and we only await the official establishment of a court in which justice may be secured as easily and satisfactorily as is now possible for individuals in our courts of justice.

Why should this effort in behalf of an International Arbitration Court appeal to the business man?

First, because like every civilized person, his regard for humanity cries out in protest against any continuation of the horrors of war, a relic of the dark ages, under the rule that "might makes right." The spirit to which I have heretofore referred, is gaining the mastery, and our obligations to our fellowman have placed the golden rule as our watchword in all dealings with weaker nations. In no way can this be exhibited so forcibly as in a spirit of perfect fairness in adjusting differences which may arise among nations.

Second. As the business man is supposed to be keen after the all-powerful dollar, perhaps the most potent incentive would be the curtailment of the enormous expense incurred in maintaining armaments and prosecuting expensive wars.

Take our own nation for example, where the rate of taxation increases so rapidly in every direction in consequence of the demands from the Panama Canal, from internal Water Ways, from the Conservation of our natural resources, which are mounting higher and higher each year. All of these objects

are most praiseworthy and necessary. There is nothing the average business man would welcome more than a reduction of huge army and navy expenditures to be applied, instead, to the development of our own ability to provide for the immigration which will soon tax our natural resources to the limit.

From the slight study which I have been able to give this matter, I am convinced that a permanent International Arbitral Court is vastly to be preferred to tribunals like the Hague Court. Law is safer than diplomacy, less liable to prejudice, always ready and less expensive.

The Hague Court has done well. It has covered the experimental and trial stage. This experience should now be used as foundation to build the most fitting development of the idea into a structure which will be the refuge for nation or individual, high or low, who needs the strong arm of law to maintain rights and justice, so impossible to secure single-handed.

Finally the commerce of the business man encircles the globe. No one thing can readily be suggested which would prove so helpful in facilitating the great international exchange of commodities, as the fact of the existence of a strong impartial tribunal within the reach of all.

If this is so, then this Conference here assembled could not extend its usefulness to any better advantage than by giving publicity through all business organizations of its scope and aims, as well as of the possibilities from such a movement.

It is doubtful if the average business man has kept in touch with the practical progress already made toward such a court, or realized the beneficial effect such an institution as I have tried to outline would exert.

In this connection, how pertinent and helpful are these words of Mr. Roosevelt, taken from his Nobel address delivered at Christiana, May 5th. I quote, "Each Nation must keep well prepared to defend itself until the establishment of some form of international police power, competent and willing to prevent violence as between nations. As things are now, such power to command peace throughout the world, could best be assured by some combination between those great nations which sincerely desire peace, and have no thought themselves of committing aggressions. The combination might at first be only to secure peace within certain definite limits and certain definite conditions; but the ruler or statesman who would bring about such a combination, would have earned his place in history for all time."

In closing, permit me to add, one can recall no more striking or forcible illustration of that spirit so apparently taking possession of the thoughtful minds of this age, as we have in the

life work of our venerable host, Dr. Smiley. Omniscience alone can estimate the value of this consecrated life to humanity. (Applause.)

THE CHAIRMAN: As the next speaker I present a gentleman who can speak for the great standing army of school teachers in the United States not only because of his own personality, but because of his position at the head of the Department of Public Instruction of the State of Pennsylvania, and from his office as past president of the National Educational Association. I have pleasure in presenting Hon NATHAN C. SCHAEFFER, of Pennsylvania.

WHAT THE PUBLIC SCHOOLS CAN DO TO HELP THE PEACE MOVEMENT

ADDRESS OF HON. NATHAN C. SCHAEFFER

In spite of the tremendous problems which the Lake Mohonk Conference has been discussing, I venture the assertion that the greatest problem of the twentieth century is the boy—with one exception, namely; the girl. In no long time the boys and girls who are now at school will appear upon the stage of action and determine whether war shall cease and peace shall reign among the nations, and also as was intimated last evening, whether warfare shall cease and peace shall dwell in the heart and the home. It is, therefore, fortunate that the peace movement has invaded not only the colleges which train the leaders but also the public schools which educate the multitudes from whom the leaders must get their support. During the sessions of the second Hague Conference, the Jamestown Exposition advertised the greatest naval display the nations had ever witnessed while the National Education Association, the largest association of teachers on earth, then in session at Los Angeles, declared for the first time in its history in favor of peace and against war. Since that time every meeting of this association has passed resolutions of similar import. To the teachers of France belongs the glory of having resolved at a still earlier date that the schools should annually observe the 22d of February and the 18th of May. If the signs of the times are not misleading, Peace Day will in the not distant future be as universally observed as Arbor Day and its only rival will be Christmas. The observance of Peace Day furnishes a splendid opportunity to tell the story of the Christ of the Andes, to draw attention to the arrangement by which peace has been preserved between the United States and Great Britain in spite of the disputes over our Canadian boundary, to emphasize the fact that if the excess of our expenditures upon the army and navy during the last ten years over the preceding ten

years had been applied to the payment of our national debt, not a dollar of that debt would to-day be unpaid. Unfortunately many rural schools are not in session on Peace Day, and the number of special days which the teachers are asked to observe has grown so large that each tends to obliterate the impression which the others have made. Moreover what is the sense of teaching peace on a special day and of glorifying battles by land and by sea on all the other days of the school year? I look with more hope to the efforts of the American School Peace League which with its various state branches has been distributing literature in season and out of season, modifying the courses of study and endeavoring to prepare the teachers to teach history from the new point of view. But the officers of this league should not be expected to do everything. Superintendents can supply a motive for carrying this literature into the school room if they will change the examinations so as to glorify the victories of peace above the victories of war.

In very many sets of examination questions those relating to war are far more numerous than those relating to peace. In one set which I recently saw, five out of six had to do with the names of generals and battles, with the causes and effects of our wars. What the examiner emphasizes, the teachers will emphasize, and the emphasis of the instruction in any branch determines what the pupils consider most important. The Lake Mohonk Conference has, unconsciously perhaps, changed the text-books on history by drawing attention to the fact that in them is found no anti-toxin for the tocsin of war. We need the help of the Conference to bring about a similar change in the questions prepared for the examinations which teachers and pupils are asked to face.

A change in the examinations will soon cause a change in the character of the instruction and the ideals of life and heroism which will be evolved therefrom. Have you ever noticed that when the average girl takes up the study of history, she begins to wish that she had been born a boy? The text-books and the material of instruction tend to make her think that everything great and heroic belongs to the other sex and that the greatest of her misfortunes is to have been born a girl. More correct ideals of life and of heroism should be inculcated. The young woman who enters the hospital as a nurse displays as much heroism as any soldier who faces the cannon's mouth. Sooner or later the girl discovers that a life worth living does not turn on martial glory nor even on science and literature, but on the personal relations which a human being sustains to his fellows and to his Lord and maker. In the domain of the personal relations woman reigns as queen, and as soon as a girl realizes this fact she no longer wishes that she had been born a boy. The young farmer

who taught the farmers of Iowa how to select their seed corn, thereby adding millions to the value of the corn crop of Iowa, was as great a benefactor as any general who has shed blood upon the field of battle or sunk the warships of a hostile fleet. History should be so taught that the boy and the girl will unite in the temple of fame the name of the jurist and of the philanthropist, the name of the inventor and of the captain of industry in a place quite as conspicuous as that occupied by the victorious general or the successful admiral.

At times I am tempted to think that May 13th will become as famous as the day now called Peace Day. On the 13th of May, 1908, there were gathered in the east room of the White House at Washington the members of the Cabinet, the Justices of the Supreme Court, the Governors of all the States except two, and captains of industry like James J. Hill and Andrew Carnegie. They assembled to discuss the waste and the conservation of our national resources. The same subject had been discussed by scientists at their conventions. But the voice of the scientist was like the voice of one crying in the wilderness. No one paid any attention to the noise which he was trying to make. When the President of the United States took up the cry, it was heeded by all the newspapers; it was heard by the whole country and even by the governments of Canada and Mexico. Have the schools heard and heeded that voice? As soon as they do, the teachers will show that war is the greatest waste of our national resources and that the conservation of human life is the greatest of the problems of conservation. (Applause.)

Much has been said at this Conference about the Prince of Peace. Let us not forget that Jesus worked at the carpenter's bench, but he was never called a great carpenter. He expounded the law so that men were astounded, but no one called him a great lawyer or even a great law-giver. He healed men of their sickness, but he is not called a great doctor. We read of him that he sat and taught, and down through the ages when any one speaks of the great teacher, the mind goes back to the Nazarene who was also known as the Prince of Peace. In Asia Minor, the peace that followed the advent of the great teacher lasted for three hundred years, and many of the cities allowed their walls to fall into decay. As soon as our teachers fully realize their high mission as followers of the Great Teacher, we shall have a more lasting peace than that which prevailed in Asia Minor and throughout the western Roman Empire. As soon as the five hundred thousand teachers of the United States begin to teach history as if they were disciples of the Prince of Peace, a public sentiment will spring up that will make governments afraid to appeal to arms for the settlement of disputes which can be referred to an international court of arbitral justice. Let the three and a

half million teachers of the civilized world begin to teach history from the new point of view, and it will not take longer than a generation to substitute in the minds of the multitude in place of the maxim. "My country, right or wrong," the nobler maxim. "Let my country be afraid of nothing so much as to do wrong in the treatment of other nations." The teachers in the public schools can help to inject the Golden Rule into the conduct of nations as well as individuals, thereby aiding the Peace Movement in a most effective way and proving that the schools are a most potent agency in the progress and uplift of humanity. (Applause.)

THE CHAIRMAN: As the next speaker I present Mr. LOUIS P. LOCHNER of Madison, Wisconsin, Secretary of the Association of Cosmopolitan Clubs and Editor of "The Cosmopolitan Student."

THE ASSOCIATION OF COSMOPOLITAN CLUBS

REMARKS OF MR. LOUIS P. LOCHNER

Again and again during the last few days attention has been called to the fact that one of the fundamental prerequisites for the peace movement is our recognition of the brotherhood of man. It is my privilege to-night to bring you in touch, in the barest outlines, with a movement, the very corner-stone of whose creed is world brotherhood,—namely the Association of Cosmopolitan Clubs, or in its larger, international aspects, the International Federation of Students "Corda Fratres."

On the eve of March 12, 1903, sixteen foreign and two native students of the University of Wisconsin, together representing eleven nationalities, gathered in the modest apartments of a young Japanese, and founded an International Club, in which the representatives of every nation in the university were to meet on a basis of equality and brotherhood. This was a new departure in college life. Foreign societies were no uncommon feature in American college life. Every large institution of learning had a flourishing Scandinavian, German or Latin-American Club. But the idea of a cosmopolitan organization, with universal brotherhood as the corner-stone, was by many considered a chimera. The very idea of amalgamating into one society men of diverse countries, caused a smile of contempt.

Yet what happened? The club so founded has grown, until to-day, with a membership of almost 100, representing 20 different nations, it is one of the most flourishing organizations at the University of Wisconsin. At the same time similar clubs were founded elsewhere, so that to-day we have a powerful Association of Cosmopolitan Clubs extending over 24 leading

institutions of learning, and embracing 2,500 students, men from 55 different countries.

More than that, the foreign and American students have not limited their activity to forming clubs in the United States; but last summer a delegation of three of us was sent to The Hague, where the Sixth International Corda Fratres Convention of students was held. What did we find? French and Italian, Hungarian and Dutch students all linked together in a federation for the promotion of international good will. We Americans were received with the warmest cordiality and it was not long before a merger of the Cosmopolitan Clubs of America and the Corda Fratres of Europe was accomplished. Here then, we have the beginnings of a world federation scarcely dreamed of by the most sanguine. Under the white flag of peace students from a dozen different countries are organized for the promotion of international good will. (Applause.)

Our purpose is to bring together college young men from different countries; to aid and direct foreign students coming to American Universities, to further the work of peace and arbitration between nations and to establish strong international friendships. I cannot point out to you in the brief time allotted all the various activities of the clubs. Let me merely mention one or two. In the first place, as soon as a club is strong enough financially, it rents a club-house, in which students from different nations room together. It is not uncommon to have a Russian and a Japanese cultivate each other's acquaintance to the extent of becoming room-mates and bed-fellows. Secondly, one of the most conspicuous features of our programs is the so-called "National Night." On this occasion a representative or representatives of one nation, if possible on the evening of his or their country's holiday, will describe the customs and manners of the fatherland, play native music, dress in native garb, recite native poetry; in general, give a thorough idea of the home country. In the course of these national nights our members have acquired a better insight into the mode of life, customs and viewpoint of peoples of different nations than they can ever gain from the colored accounts of travelers in foreign lands. They have thereby learned sympathy with their fellow-man's religion, however, divergent from their own; with his nationality, however, different; with his political creed, however contrary, with his social rank, however unequal.

I cannot at this time point out the great advantage that accrues to the foreigner by being brought in contact with men of different nationalities in these clubs. Nor can I any more than merely hint at the fact that the suggestion made by Mrs. Mead, yesterday; namely, that we should endeavor to bring these foreign students into American families, is being adopted and

put into practice by the American boys. During vacation they try to take foreign students to their various homes. It was—to cite an example—my privilege to have Chinese, Dutch, and Mexican boys at my home during Easter. Nor do I want to rehearse at length how the foreign boys appreciate what their American confreres try to do for them.

I want particularly to point to the unequalled opportunity that we American students have in seeing the foreigner within our midst. The foreign student is not here merely to get a degree and to acquire laboriously from books written in a language not his own what he might with less difficulty learn from texts or translations in his mother tongue. He is here to communicate his own knowledge as well as to absorb ours. His migration to a foreign soil sprang from a desire to become a citizen of the world. His patriotism led him to disregard family ties and the associations of his youth, and to go abroad among strange peoples and strange nations, so that he might return a better citizen. He is thus a source of inspiration to us Americans.

In conclusion let me point out the importance of our movement in the peace movement. Close personal contact between peoples of different races is a necessity in order that they may understand one another. It is a fundamental prerequisite to any movement for peace. Now then, in our Cosmopolitan Clubs men from 55 countries are brought in contact with each other. They learn to understand each other; they learn to respect each other; they learn to admire each other; they learn to love each other. They cannot help but carry home with them the message of "Peace on earth, good will toward men." Frenchman, German, Hindu and Englishman, Russian and Japanese, Chinese, Armenian, Mexican, even the downcast negro,—all are on a basis of equality in this unique organization. What matters it that one is the son of a Hindu priest; the second a Japanese prince, the third a Russian revolutionist; the fourth a plain American farmer boy? Why despise a man because his skin is yellow or brown or black? Why look down upon a fellow student because his early training from childhood on has inculcated in him a reverence for Buddha or Confucius or Mohammed, and he has not yet come in touch with the benign teachings of Christianity? Our Cosmopolitan Clubs need no unity of race, religion or creed to keep them together. "Above all nations is Humanity," is the motto of our Association—humanity, all embracing, all including, linked with the idea of brotherly love, of sympathetic understanding of peace on earth, good will toward men,—this is a bond of union for transcending racial, social or color lines. It is this recognition of the fundamental brotherhood of man that gives strength to our Cosmopolitan movement. (Applause.)

These facts are of peculiar importance when we consider the following: Most foreign students who come here are picked men—the flower of their country—men coming from the best families. They will later become leaders of public opinion and even of the political spirit and policies of the nations. In fact young though our movement is, some of our members have already risen to prominence. Thus a former member of the Cornell Cosmopolitan Club is at present head of the educational system in Argentina. Similarly, I could point out a dozen different men now in positions of trust and influence in their respective countries. In proportion as these men, these future leaders, are brought in contact with one another, during college days, in proportion as these men from different countries learn to understand one another, in proportion as they realize we are but members of one large human family and that war and hostility are unworthy of the rising generation,—in such proportion will the peace movement be furthered. (Applause.)

THE CHAIRMAN: I now present Mr. EDWIN D. MEAD, of Boston, Director of the new International School of Peace.

THE INTERNATIONAL SCHOOL OF PEACE

REMARKS OF MR. EDWIN D. MEAD

I am sorry that Mr. Ginn, the founder of the International School of Peace, is not here. He had to leave this morning. It is because he is not here that I take the place which had been assigned him, and speak briefly of the work which he has founded. If he were here, I think the first word he might have said would have been a word of tribute to Mohonk for the degree in which it has stimulated him to the work which he has done. I think I am right in saying that his active interest in peace work began about the time these Mohonk Conferences began. In looking over some of the old Mohonk reports the other day, I came upon an address of his given at this Conference in 1901, which was about the time his contributions for the peace work were beginning. It was an admirable speech,—I suspect it was his first peace speech; and I am sure that here he got a great stimulus and a certain definite direction to his work. He emphasized in that 1901 speech the importance of more generous financial provision for our cause. “We spend hundreds of millions a year for war; can we not afford,” he asked, “to spend one million for peace?” This seems to have been his keynote. Nineteen hundred and one was not his first year here—he had been here in 1897 and 1899; but it was in 1901 that he first took part in the proceedings, and it was about that time that he began to help us in the peace work in Boston. I remember that in 1904, the

year of the International Peace Congress in Boston, he gave us \$1,000 for that work. From that time to this he has been giving liberally, latterly from \$8,000 to \$10,000 a year, for the cause; and this has culminated in the larger plans which have taken form this year. He has started the International School of Peace. I have had, as Mr. Ginn's friend and helper, much to do with it,—which is why I speak to you.

Mr. Ginn is a publisher, an educational publisher, and knows the value of books; and it was because he saw that our movement sadly lacked books that he started in as he did upon his first definite work. He said, "I will see to it that the peace movement is supplied with all the books and pamphlets that it needs." He knew that it needed much—that the Peace Societies and other workers were not half furnished with material for their work. There is a splendid lot of peace literature in the world, but comparatively little of it accessible in cheap and tasteful form. So we started upon the publication of our International Library, and we have already published a dozen or more books in that library—such books as Dr. Scott's "Texts of the Hague Conferences" and "American Addresses at the Second Hague Conference," and Professor Hull's "History of the Two Hague Conferences," to refer merely to books by members of the present Mohonk Conference. We are adding to this library constantly, and hope in Mr. Smiley's lifetime to have a hundred volumes. Then we have started a pamphlet service, circulating freely 25,000 copies of various pamphlets that we hope will help, and being careful not to duplicate the splendid work being done by President Butler and his helpers in the Conciliation Association. Our first pamphlet was Justice Brewer's noble address on the Peace Mission of the United States.

Mr. Ginn has helped various other organizations. Professor Schaeffer in the impressive speech to which we have just listened spoke of the American School Peace League. When that splendid organization was in its initial stage, Mr. Ginn gave \$1,000 to help it on, because he felt it stood for the sort of work that he wanted to have done. He is now helping with similar generosity, as Mr. Lochner would tell you, the Association of Cosmopolitan Clubs, feeling that this too is in distinctly the right line, and that the Association can do a certain work among students that he wants to see done better perhaps than he could do it independently.

He recognized the great need of work among women's organizations; and he secured one of the best women in the country to give her time to work among women's clubs, going to address clubs, sending literature, and doing work of all sorts in that field, which is so important—you remember Ruskin's word about it—

and which for the most part has been so sadly neglected by us in our organized efforts.

Mr. Ginn was greatly stirred by the early meetings of the business men in the Mohonk Conferences, which have come to be such a feature here. He believes that if the business men of the world could be properly appealed to, they could and would put an end to war. When not here he read the reports of these business meetings with peculiar interest; and he determined to make the appeal to business men a distinct feature of his work. He recently secured for this service our late consul at Prague, Mr. Ledoux, who I am glad to say is in this Conference and met your business men yesterday. Since Mr. Ledoux took up this work, he has visited various Chambers of Commerce and Boards of Trade, to make the international peace and arbitration movement better known among them. He has prompted our Boston Chamber of Commerce to send to the International Congress of Chambers of Commerce meeting in London this year an invitation to hold its meeting in America two years hence. Our Boston Chamber of Commerce will make liberal appropriations for the reception of the Congress if it comes; and it is hoped that Chambers of Commerce and Boards of Trade throughout the country may be stirred by this international event to a greater interest in the peace cause. I hope that Mr. Ledoux may be asked by many commercial bodies represented here to address them.

Mr. Ginn became warmly interested in the work of Fräulein Eckstein, of Boston, known to many of you, in connection with her famous petition to the last Hague Conference in behalf of international arbitration, for which petition she collected two million signatures, forcing so many people at any rate to focus their minds on our cause. A year ago he provided for her giving all her time to similar work with reference to the next Hague Conference, and not only that, but, as she is a native German, to spend her time for two years addressing women's clubs and other organizations in the cities of Germany, to bring American women and German women, German teachers and American teachers, and German and American people generally closer together. She has held meetings during the last year in thirty or forty German cities; and, as Dr. Trueblood told you Wednesday, in the city of Munich alone she secured 125,000 signatures to her arbitration petition.

But I must not in this brief time go into farther detail. I mention these things as representing what Mr. Ginn is quietly doing and proposing to do at very large expenditure. He has opened good headquarters for the School of Peace in his publishing building in Boston, and this is already a center for conferences and many useful activities. The incorporation of the

school is now being arranged for, and its complete organization will steadily proceed. The more it becomes the work of others, the better Mr. Ginn will like it; he asks the generous co-operation of all who can help. The school will co-operate heartily with all the good existing agencies, provide them with material, and supplement their efforts as it can; and it will open new lines of work where these are clearly needed. Its distinct field is the educational field. It is a School of Peace; and by the spoken word and the printed page it will endeavor to carry our message into every place where men study and think and make public opinion and make laws. It is first an American work; but it will unite itself with those in England and Germany and elsewhere who are promoting the same great international ends.

I have a right to say that if Mr. Ginn should die to-morrow this effort would be found endowed with a very large sum—I think over a million dollars—in his will, to carry on the work; and at the present time I suppose he is individually putting into the peace work more than any of the Peace Societies. He plans to put in \$50,000 a year. I mention this chiefly for this reason: Mr. Ginn is not a Carnegie; I suppose there is more than one man in this room, I suppose there are several, richer than Mr. Ginn. His effort is an indication of what generous men of wealth can do for this cause, if they will, at a time when the cause needs nothing more than to be well financed. There are great needs for the cause all about us. One could name a dozen things crying for help here to-day where \$1,000 would greatly help in solving a serious situation, a situation like that of the Intercollegiate Peace Association. The fact of a business man like Mr. Ginn throwing his interest into this work in so conspicuous a way is something to be very grateful for, and for many wealthy friends of the cause to emulate. (Applause.)

I spoke of the obligation which Mr. Ginn owes to Mohonk, especially for early inspiration. That obligation he always deeply feels, as so many men and so many causes are under obligation to Mohonk for initial impulse. I remembered here yesterday and the day before, when Mr. Smiley paid his tribute to Dr. Hale, that we have in the last year by a singular fatality lost the two most impressive figures in the history of this Mohonk Conference. You have remembered it as I have. Dr. Hale and Justice Brewer have both been taken from us since last we met here. I should like, and I know Mr. Ginn would approve, to do one thing to link our International School of Peace and Mohonk more closely together; and when I get back to Boston I am going to put together in a volume all of Dr. Hale's addresses here at Mohonk, those prophetic early addresses and the rest, and call it "Mohonk Addresses;" and in an appendix shall go those few and all too brief addresses by Judge Brewer. They have been re-

ferred to more than once, those wonderful addresses of Dr. Hale, and the addresses, also so prophetic, of Justice Brewer. Many of us will never forget them. I remember in connection two impressive things. The last word Dr. Hale ever spoke here was a word of regret that a certain platform of that year, 1907, was not up to the old prophetic Mohonk standard. In the last speech which Judge Brewer made here, the next year, he spoke a word of regret that the platform that year did not go as far as he wished Mohonk would go. I wish they had both lived until to-day. Last year and this show that Mohonk is facing the future, and speaking the firm word. It will be forever sacramental for us to remember here these two great Mohonk prophets, to cherish their resolute spirit, and in that spirit always keep moving forward.

The last word that Judge Brewer ever spoke here was upon the immense significance to our cause of the new influence which woman is coming to exert in the peace movement throughout the world. As Dr. Schaeffer spoke so feelingly just now of the work of teachers, of the work especially of our women teachers, and of the wonderful growth of the new American School Peace League, whose organization has been, to my thinking, the finest piece of organization for peace work which has been done in this country in the last two years, I thought of that silent little woman back there, Fannie Fern Andrews (Applause), who has done it all, and I feel a little ashamed at occupying time which should be hers. I wish we might in the future hear more from the women at Mohonk, and be the surer that it is not "a misfortune to be born a girl," to repeat a phrase used here. I hope we shall remember the last word of Judge Brewer here, and recognize and utilize more the power of woman in our movement. That is one of the clearly prescribed advances. At any rate, we must have the volume of memorial addresses; and to me, and I am sure to Mr. Ginn, nothing about it will be more interesting than the fact that it will bind closer together our School of Peace and this Mohonk Conference, which we all reverence as the nursery of so much that is great and good in this high cause. (Applause.)

THE CHAIRMAN: It is appropriate that the closing, formal paper of the Conference should be from a high officer of the government who, through long years of service in various parts of the United States in high educational positions, has come to know and to voice our best public opinion. I present the United States Commissioner of Education, Dr. ELMER ELLSWORTH BROWN.

THE PRESENT CONFERENCE AND ITS LESSONS

ADDRESS OF DR. ELMER ELLSWORTH BROWN

Many years ago, Mr. Rossiter Johnson compiled a little book of famous poems, to which he added an epilogue of his own. The burden of his epilogue was,

“’Tis pleasant business, making books
When other people furnish brains.”

The only way I can think of writing a speech that would make it pleasant business here, where there are so many pleasanter things to do and see and listen to, is to let other people furnish the ideas. Besides, this Conference is nearing the point where it needs an epilogue, and either a judge, a schoolmaster, or a keeper of accounts ought to do a little summing up. Let me try, then, to tell how this sixteenth annual meeting looks to a school man, just as it slips away into the immediate past, and he turns again to his daily concern with American education.

It goes without saying that this will be remembered as the Conference of the Comet. The newspapers leave us in doubt whether the rest of the world passed through the heavenly tail or not. But we at Lake Mohonk have been there. But this meeting has been only incidentally cometary. It has had the brightness of a heavenly visitant, but no eccentricity as to its orbit. And let no one hint at the length of the tail I am giving it.

A varied meeting it has been, indeed. The Army and Navy have shown their readiness to take the shortest cut to peace at any cost. While their methods are not those of the Society of Friends, we know that they are with us, heart and soul. The happy warrior is part and parcel of Lake Mohonk. The clergy have reiterated the call to a peace that springs from brotherhood and a brotherhood that shall arise from a common fatherhood. We have heard how Germans of every creed have visited their English brethren and have in turn been visited by Englishmen of every creed, bearing anew the old message of peace on earth; and a special message from the primate of the English Church to one of his own, has been brought to us by him to whom it was addressed. It comes with other messages reminding the churches of America of their unexampled opportunity. They whose torches have been lighted pass on to others their fire. But it has not been left to the clergy alone to speak in the name of religion. One of our foremost political leaders, while declaring against naval expansion, has put moral and religious considerations to the front in preferring arbitration to war. The economic and commercial grounds of a policy of peace have been set forth, but they have been found passing

over directly into the field of moral conviction. A distinguished visitor from the North has shown the vital connection between fair play in the industries at home and the peace that is by righteousness in foreign affairs. A leader of southern thought has carried the same democratic principle over into the relationships of inharmonious races. A notable contribution has been made to the understanding of far eastern affairs. We have been called to consider more sympathetically and fairly the case of our sister republics of South America. The new turn which has been given to international relations by the development of aeronautics has been vividly set forth. We have been cheered by examples of the fresh interest of the student world in the subject we are considering. Such are a few of the outstanding waymarks of our three-days discussion.

A varied program, but in no way a bewildering one. For a strong strand of unity has run through all. This peculiar unity is, indeed, the clearest indication of a well-ordered advance in the work of this Conference. A year ago a like unity was manifest. After long delay, which to many had seemed only dilatory but to others had seemed but a wise waiting for the appointed time, the Conference declared itself clearly in favor of a limitation and even a gradual reduction of armaments. This year, as a next step forward, it has given attention chiefly to the proposed international court of arbitral justice. It is seen that such a court is the prime condition of any general agreement for the reduction of armaments or even their limitation. From the kindly and sagacious utterance of Mr. Smiley in his words of welcome, and the pungent wisdom of our President's opening address, to the notable series of addresses of the Thursday morning session and the illuminating analysis of the situation by the President Emeritus of Harvard University, on to the final adoption of the platform of the Conference, the clearly dominant note has been the call for a permanent and competent court, backed up by world sentiment and by a combination of world forces adequate to the enforcement of its decrees.

This is a great advance over any mere demand for disconnected acts of arbitration; an advance, too, over any academic demand for merely putting an end to war. It means that public sentiment so far as this Conference represents public sentiment, is coming to some consecutive thought as to the ways in which war may be superseded by a better organization of the world.

I think I am not mistaken in the opinion that the occasion has called forth some papers of more than ordinary significance; in another way it has marked a culmination of the influence of this Lake Mohonk Conference, in that the Secretary of State has this year made the meeting of the Conference the vehicle for a most important announcement, thereby recognizing its vital

relation to that public sentiment which it has sought to lead and influence.

In the little time that remains to me, let me attempt a re-statement of the view of world relationships which is here coming, by little and little, to definite expression:

The conflict back of all conflicts is that between law and liberty. It is the conflict between caprice and order between the individual and society. Freedom wars against the law, and the higher order lays its restraint upon personal or national self-will. The conflict may be eternal. It surely will not end with the end military strife. But it is not a conflict unto death. Both may live, and it now appears that both must live, that each is necessary to the other. In society in its smaller groups, we shall not be pure socialists nor pure individualists, but both, in varying relations. In the larger society, through all grades of political organization, we see the gradual working out of the federal principle. It is the principle which preserves the lesser unit intact, with all its freedom and responsibility, while making it an integral part of some higher unity. In many lands the federal principle is coming to some sort of realization; but nowhere more finely and triumphantly than in our own United States. Here it has undergone the supreme test of civil war, and we are still a nation of indestructible states.

In ways that are not yet clear, ways necessarily different from any present example, the same principle of one in many and many in one is to find its working out in the political life of the world. Its foundation is justice. In devising the next steps to the ordering of justice between nations, the statesmen of our time have the greatest opportunity which this age offers for the service of mankind.

We find ourselves treading softly here, with a feeling very near to awe. May it not be that we are close to one of the greatest turning points in human history? Let us bring the youth of our land to think of these great themes. Let them make their appeal, along with the more primitive appeal of military history. And may our political leaders be to our whole people the teachers of a doctrine better than the bloody patriotism which an earlier age has required. (Applause.)

THE CHAIRMAN: Those who were here at the Conference of last year will remember an important resolution providing for a committee to consider the advisability of a National Council for Arbitration and Peace. The report of that committee will now be made by Professor GEORGE W. KIRCHWEY.

REPORT OF COMMITTEE* TO CONSIDER THE ADVISABILITY OF A NATIONAL COUNCIL FOR ARBITRATION AND PEACE

BY PROF. GEORGE W. KIRCHWEY

I am here to represent, in a word, one of the latest of the numerous progeny of the Lake Mohonk Conference, which is too rarely recognized, publicly or officially, as having sent forth into the world, directly and indirectly, many other influences charged with its own spirit of service in the cause of international peace. You have heard this evening from Mr. Mead how a good business man, Mr. Ginn, was precipitated into the path of benevolence until he has now reached the point of squandering his millions in the cause of peace—all through the inspiration of Mohonk. At the Lake Mohonk Conference a few years ago was born the American Society of International Law, which through its annual meetings and through its quarterly Journal has rendered such notable service in the cause of arbitration and in the development of international law. And many other like instances might be cited.

The latest of the Mohonk progeny is the so-called "Committee of Ten," really a committee of eleven, which now makes its report. At the last Lake Mohonk Conference, responding to a widespread demand that the various activities enlisted in this country in the cause of peace and in the promotion of international good will might present a more unified aspect and proceed perhaps in a more orderly way in the pursuit of more definite aims, and therefore more effectively, on the motion of Professor Samuel T. Dutton, the following resolution was adopted:

"RESOLVED, That the President of this Conference be authorized to appoint in the near future a Committee of Ten, of which he shall be one, to consider the advisability of a National Council for Arbitration and Peace; the determination of the number, constitution, and work of the Council being subject to the discretion of the Committee."

In pursuance of the authority thus vested in him, the President of the Conference appointed, along with himself, as required by the resolution, the following committee: Senator Elihu Root, Mr. Andrew Carnegie, Dr. Lyman Abbott, Mr. Albert K. Smiley, Dr. E. D. Warfield, Dr. Benjamin F. Trueblood, Mr. Edwin D. Mead, Dr. James Brown Scott, Mr. George W. Kirchwey and Professor Samuel T. Dutton. Owing to various conditions, into which it is not necessary to enter here, it was found impracticable to hold a meeting of the Committee, widely scat-

*For a list of members of the Committee, see list of officers, pages 2 and 3.—*Ed.*

tered as it was, until the convening of the Lake Mohonk Conference.

In connection with this meeting, then, the first meeting of the Committee has been held. The Committee has organized by the election of a chairman and a secretary, and it has appointed a sub-committee of three, of which Dr. Butler is chairman, with the duty of formulating in the near future a definite plan for the creation of such a council as is proposed in the resolution which I have read, which plan is to be submitted to all the members of the committee; and it has been further considered and is strongly hoped that, by that plan and others that may be submitted, long before the next meeting of this Conference a definite organization of a central council, representing in some way not yet determined all of the agencies for peace and arbitration at work in this country, will be completed. (Applause.)

THE CHAIRMAN: The report of the Committee of Ten, submitted by its Chairman, Professor Kirchwey, will be entered on the records of this meeting.

The Chair has the privilege of recognizing Rear Admiral C. F. GOODRICH, of the United States Navy.

REMARKS OF REAR ADMIRAL C. F. GOODRICH

To all earthly things an end must come; it is only the judgments and the justice of the Almighty which are eternal. We humbly believe that it is in the name of the latter that, in our feeble human way, we have been laboring during the past three days, making our little contribution to the mighty cairn that marks the sum of man's efforts towards banishing from the face of this wonderful and beautiful world the ghastly spectre which, for ages past, has stalked abroad mocking, in ribald fashion, the message of peace on earth, good will towards men, which the celestial heralds sang at the birth of Him who died to save us all. That God's blessing shall descend upon the work in which we have been engaged is no longer a matter of doubt. The movement begun here sixteen years ago and carried on in conjunction with others to a similar end, some earlier, some later in date of origin, has already yielded results so full of promise as to confound the skeptical and encourage and stimulate those who know that our progress is upward as well as onward to still greater exertions for the common good.

If this may be truthfully said of the common soldiers, enlisted under the banner of peaceful settlement of international differences, how great and enduring must be the honor of him who, year after year, has gathered his little army about him and guided its operations in firm yet kindly leadership, animating it with his own forceful and gentle spirit! The meed of praise

he may draw from an approving conscience and from the affection and esteem written on every countenance here cannot be enhanced by any poor words of a plain sailor, lacking the arts of eloquence so liberally displayed by the able and gifted orators to whom he has been privileged to listen.

There are times when the cordial grasp of a sympathetic hand is full of speech; when a few phrases serve as well as volumes; when the earnestness of what is said reveals the extent of what remains unsaid. It is in this sense, Mr. Smiley, that I beg you to interpret these brief sentences in which I ask you to accept from me, in the name of all your guests of the Sixteenth Annual Lake Mohonk Conference on International Arbitration, our deep appreciation of the honor you have paid us in inviting us to fight under your command and our grateful acknowledgment of your charming and unexampled hospitality in dispensing which you have had the competent and gracious assistance of your brother, Mr. Daniel Smiley, and his wife.

We shall carry with us from Lake Mohonk an ineffaceable memory of your good deeds and kindly acts and friendships which shall end only with life itself. One and all we echo the wish, *not* that you may live to see the accomplishment of your ardent desires,—for that is already close at hand,—but, rather, that you may live to enjoy for many years the fruition of your noble purposes.

As a body we thank you and bid you farewell, and with united voice we whisper, “God bless you, Mr. Smiley!” (Applause.)

In acknowledgment of the remarks of Admiral Goodrich, Mr. Smiley spoke, in part, as follows:

REMARKS OF MR. ALBERT K. SMILEY

I know you are going to laugh at me; you know I usually say at the close of a Conference that it has been the best we have ever had. (Laughter.) I have not made an announcement of that kind during this session; but I do make it now. Without any question, this has been the most remarkable Conference we have ever had, the most united in purpose. We have had a wonderful Conference.

I have always believed that the moment we get an international Court of Justice established, with the most competent men to interpret the law, living at The Hague, ready at any moment to adjudicate any question that may arise between the nations, we will have reached a point from which we can look forward pretty definitely to some most remarkable changes in the history of the world. (Applause.) That is an accomplished fact to-day. A court, if not already appointed, is certain to be

appointed within a short time, surely within two years. If only eight nations—the United States, England, France, Italy, Germany, Austria, Russia and Japan—are represented at first, they will make a court which will command the respect of the whole world. That court will be almost immediately in operation. It will be the greatest event in the history of mankind! (Applause.)

It has always been my feeling that you never can get the nations to do away with very large armaments and large military operations unless they have some adequate way of settling their differences through a court. That court will soon be established. Now, then, it remains for all the principal nations in the world to make an agreement to submit all their differences to that court. Any nation that wants to do justice will wish to make such an agreement. It is only the nation that wants to do something wrong that will hesitate. We must work to create a public sentiment that will influence all nations, certainly all the leading nations, to agree to submit to the court every question that may arise. This may take time; but we should *work* for it.

When the court is established and the nations make such agreements, what need will there be of large armies? What need will there be of large navies? They will slough off as naturally as can be. The people of the world are not much longer going to spend all their treasures on war. I don't think it is going to change in a day; the world does not move that way. But we have taken the initial step.

During every Conference for sixteen years we have worked mainly for arbitration treaties and an international court. I cannot tell you what a great satisfaction it is to me, at my time of life, to feel that the great thing we have all worked for so hard is soon to be done and that we shall probably, all of us, know of that great court sitting at The Hague—the most magnificent judicial body of men the world has ever seen! (Applause.)

I want to say one thing, in which possibly some of you may not agree with me. I think that, undoubtedly, every nation in the world will, for all time, need to maintain a small but efficient standing army and navy to correct internal violence and rebellion. Police with their clubs are not always feared by a popular rabble—a mad body of men who are ready for destruction. There must be guns and persons who will shoot, if necessary. Quaker that I am, I believe in law and order. But I would have that army and navy well paid and made up of some of the best men in the country—an honored body of men—a national police for internal use only.

I also differ from many people in another respect. I hope all the nations of the world will submit all their differences to a

court; if they should do that it would end war. I believe there is *no* necessity of having world force to enforce the decisions of an international court. Suppose Germany should agree to submit all her differences to that court and suppose a decision should be against what some people consider the interests of Germany. Do you think the Kaiser would not adhere to that decision? A most absurd thing! A nation that refused to obey would be the scorn of the world. There is no need of armament to enforce decrees; public opinion will do it.

We have had a remarkable unanimity of effort in this Conference. I feel exceedingly happy; I never was more happy in my life. We are going to continue this work. My brother Daniel and his wife, whom you have recognized, are in sympathy with me and help me in every respect. My brother shares the expense of maintaining this Conference and is as interested in it as I am, and it will go on. There will be work to be done for many years to come. It will not be in a day that our work will be accomplished, but a great turning point has come. (Applause.)

Many of you have come long distances, and many of you have made great sacrifices to come to this Conference and make it a success, and we thank you very heartily for it. (Applause.)

On motion of Gen. Horatio C. King, a rising vote of thanks was extended to the officers of the Conference, and acknowledged by the Chairman in a graceful expression of thanks.

THE CHAIRMAN: Now, Mr. Smiley, we have come to the end of the Sixteenth Conference and nothing that I could possibly say would add to the eloquent sincerity and grace of the words of the distinguished Admiral who has voiced the thoughts of all of us.

I ask that we may rise and conclude the Conference, as we so often do, by singing the hymn, "God be with you till we meet again."

After the singing of the hymn the Chairman announced that the Sixteenth Annual Lake Mohonk Conference on International Arbitration stood adjourned, without day.

MEMBERS PRESENT AT THE SIXTEENTH CONFERENCE

*The asterisk following the name of a gentleman indicates that he was accompanied by his wife.

ABBOTT, REV. DR. LYMAN, *The Outlook*, New York.

AIKEN, E. CLARENCE,* Auburn, N. Y.

ANDERSON, HON. WILLIAM A.,* Richmond, Va.

ANDREWS, MRS. FANNIE FERN, American School Peace League, Boston.

BAILEY, HON. JOHN M.,* Albany, N. Y.

BAILY, JOSHUA L., 32 S. 15th St., Philadelphia.

BAKER, O. M.,* G. & C. Merriam, Springfield, Mass.

BALDWIN, HON. SIMEON E., Yale University, New Haven, Conn.

BARTLETT, MRS. A. EUGENE, 2024 Washington Boul., Chicago.

BATCHELOR, REV. GEORGE, *The Christian Register*, Boston.

BEALS, REV. CHARLES E., Chicago Peace Society, Chicago.

BEAMAN, MIDDLETON G., Supreme Court Library, Washington, D. C.

BLACK, REV. HUGH,* Union Theological Seminary, New York.

BLEHR, MISS MARIT, Christiania, Norway.

BOBBITT, L. B., 706 East 20th St., Baltimore.

BOURS, W. A., Jacksonville, Fla.

BRACQ, PROF. J. C.,* Vassar College, Poughkeepsie, N. Y.

BREWSTER, HON. HENRY C.,* Traders' National Bank, Rochester, N. Y.

BROOKS, HON. J. B.,* 722 State St., Erie, Pa.

BROOKS, DR. S. P., Baylor University, Waco, Tex.

BROWN, REV. DR. ARTHUR J.,* Presbyterian Board of Foreign Missions, New York.

BROWN, DR. ELMER ELLSWORTH,* U. S. Commissioner of Education, Washington, D. C.

BRYAN, HON. WILLIAM JENNINGS, Lincoln, Nebraska.

BURNHAM, GEORGE, JR.,* Baldwin Locomotive Works, Philadelphia.

BURRELL, REV. DR. DAVID J.,* 248 West 75th St., New York.

BUTLER, CHARLES HENRY,* U. S. Supreme Court, Washington, D. C.

BUTLER, NICHOLAS MURRAY, Columbia University, New York.

CAPEN, HON. SAMUEL B., 85 Devonshire St., Boston.

CARPENTER, HON. W. L.,* Ford Building, Detroit, Mich.

CHAMBERLAIN, PROF. JOSEPH P., University of California, Berkeley, Cal.

CHESTER, HON. ALDEN,* New York State Supreme Court, Albany

CHISHOLM, JOSEPH A., Mayor of Halifax, Nova Scotia.

CLARK, REV. DR. FRANCIS E.,* U. S. C. E., Tremont Temple, Boston.

CLARK, PROFESSOR JOHN B.,* Columbia University, New York.

CLARK, PROFESSOR WALTER E., College of the City of New York.

CLEARWATER, HON. A. T., Kingston, N. Y.

COLLINS, FRANK F.,* Collins & Co., Cincinnati, O.

COLLINS, RICHARD S.,* 117 East 61st St., New York.

CONANT, DR. THOMAS O., *The Examiner*, New York.

COOK, PROF. E. ALBERT, Congregational College of Canada, Montreal, P. Q.

COOMBS, HON. WILLIAM J.,* 63 S. Portland Ave., Brooklyn, N. Y.

CRAVEN, J. V.,* West Chester, Pa.

DANA, REV. DR. S. H.,* Exeter, N. H.
 DAVIS, HON. DAVID, 513 Johnston Bldg., Cincinnati, O.
 DENISON, COL. GEORGE T., Chief Magistrate, Toronto, Canada.
 DEWEY, REV. DR. HARRY P., 500 Groveland Ave., Minneapolis, Minn.
 DITTMAR, JULIUS, *The Cologne Gazette*, 1535 Eye St., Washington, D. C.
 DUDLEY, BRIG. GEN. EDGAR S., U. S. N., Johnstown, N. Y.
 DUNNING, REV. DR. A. E.,* *The Congregationalist*, Boston, Mass.
 DUTTON, PROF. SAMUEL T., Teachers' College, Columbia University, New York.

EDE, VERY REV. W. MOORE (Dean of Worcester), Worcester, Eng.
 ELIOT, DR. CHARLES W.,* Cambridge, Mass.
 EMERSON, HENRY P.,* Superintendent of Schools, Buffalo, N. Y.

FARQUHAR, HON. A. B., York, Pa.
 FIELD, J. KIRK, Redlands, Cal.
 FRISBIE, HON. DANIEL D.,* Middleburgh, N. Y.
 FULK, GEORGE, Intercollegiate Peace Association, Cerro Gordo, Ill.

GAGE, W. J.,* W. J. Gage & Co., Toronto, Canada.
 GARDNER, GEORGE KNOWLES, Worcester, Mass.
 GILREATH, BELTON, Birmingham, Ala.
 GINN, EDWIN, International School of Peace, Boston.
 GOODRICH, REAR ADMIRAL C. F., U. S. N., Pomfret, Conn.
 GREEN, ALEXANDER, College of the City of New York.
 GRIFFITHS, A. F.,* Oahu College, Honolulu, Hawaii.

HALLOCK, REV. DR. J. N.,* *The Christian Work*, New York.
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APPENDIX A

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List revised July 5, 1910. Arranged: 1, by states within the United States, cities alphabetical under each state; 2, by foreign countries, cities alphabetical under each country.

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APPENDIX B

Special Meetings and Services Held During the Sixteenth Annual Meeting of the Conference

In addition to the regular sessions of the Conference, the following meetings and exercises took place:

I. MEETING OF COMMITTEE TO CONSIDER THE ESTABLISHMENT OF A NATIONAL COUNCIL FOR ARBITRATION AND PEACE

For an account of this meeting, see remarks of Professor George W. Kirchwey at the sixth session of the Conference; also, see list of officers and committees, pages 2 and 3. Ed.

II. MEETINGS OF SECRETARIES OF ARBITRATION AND PEACE SOCIETIES

The secretaries or other executive officers of many of the leading peace and arbitration societies of the United States were present at the Conference. On the suggestion of Secretary H. C. Phillips of the Lake Mohonk Conference, they held two informal meetings at which were discussed various ways in which these societies could co-operate more effectively in the general peace movement. The following societies were represented: American Association for International Conciliation, F. P. Keppel, Secretary; American Peace and Arbitration League, Andrew B. Humphrey, Secretary; American Peace Society, Benjamin F. Trueblood, Secretary, and James L. Tyron, Assistant Secretary; American School Peace League, Mrs. Fannie Fern Andrews, Secretary; American Society for the Judicial Settlement of International Disputes, Theodore Marburg, Secretary; Association of Cosmopolitan Clubs, Louis P. Lochner, Secretary; Buffalo Peace Society, Frank F. Williams, Secretary; Chicago Peace Society, Charles E. Beals, Secretary; German-American Alliance, Ernst Richard, Secretary; Intercollegiate Peace Association, George Fulk, Secretary; International School of Peace, Edwin D. Mead, Director; Lake Mohonk Conference on International Arbitration, H. C. Phillips, Secretary; Maryland Peace Society, Theodore Marburg, President; New York Peace Society, W. H. Short, Secretary; Pennsylvania Arbitration and Peace Society, William I. Hull, Secretary.

A committee, consisting of William I. Hull, Louis P. Lochner and Mrs. Fannie Fern Andrews, was appointed to consider methods of co-operation, to collate the suggestions of the different secretaries, and to present their common problems to the Committee of the Conference on the Establishment of a National Council for Arbitration and Peace.

III. MEETING OF CLERGYMEN

At the call of Very Rev. W. Moore Ede, Dean of Worcester, a number of clergymen held an informal meeting to consider methods of enlisting the churches of America in more active work for the peace movement. A further meeting was to have been held in New

York City after the adjournment of the Conference, but at the time of going to press no details of the meeting had been received.—Ed.

IV. MEETINGS OF BUSINESS MEN

The delegates present from business organizations held two special meetings for discussion of the relations of business men to international arbitration. Their formal report to the Conference will be found in the proceedings of the fifth session.

The delegates unanimously agreed to suggest that in arranging the next Conference, the Conference office, instead of reserving a definite time to be filled by speakers selected by the delegates, invite in advance one or more representative business men to speak setting forth fully and forcefully the business and commercial interest in international arbitration. They also voted to suggest printing in the present report manuscripts submitted by delegates who did not have opportunity to speak. In accordance with this special vote, a paper submitted by President W. A. Bours of the Jacksonville (Florida) Board of Trade appears as Appendix E of this volume.—Ed.

V. MEMORIAL SERVICE IN HONOR OF THE LATE KING EDWARD VII

Preceding the fifth session of the Conference, at an hour practically coincident with that of the funeral of King Edward in London, the members of the Conference united in a brief memorial service. Mr. Albert K. Smiley read the 90th Psalm and then called upon President Nicholas Murray Butler of Columbia University who delivered the following address:

"It is almost half a century since a young Prince, born to inherit high station, came to this continent, to learn to know its people, its institutions and its life, in order that he might be so much the better fitted for the discharge of his high duty, when the time should come for him to assume it. To-day, a great empire on whose flag and soil the sun never sets, is bowed in mourning and in sorrow, as the last earthly remains of that Prince are laid to rest in the temple of kings, where so many great ancestors have gone before him.

"It is a strange and striking half century that has passed between that visit of the Prince of Wales to the United States and Canada, and the death of that same Prince as the 7th Edward, King of Great Britain, Emperor of India and of the Dominions beyond the sea. It is difficult for us to realize not only what has happened in the interval, but how much that royal personality has seen of those events. Remember that in that half century the German empire has come into being; remember that the kingdom of Italy has been made out of scattered fragments; remember that great movements in Russia and Turkey have brought those kingdoms and empires into closer relationship with the Western world, and to the eve of new and astonishing political advance; remember that in every country of the civilized world the condition of the great mass of people has been elevated and advanced, and that their share of participation in the conduct of government and administration has been multiplied many times. To have lived through all this, in high and responsible station; to have taken part in it; to have watched it; and to have aided it, so far as a constitutional monarch can, is to have lived a distinguished and a useful life.

"We do not realize the difficulty of the task of the constitutional monarch. The keener his sympathy, the stronger his views, the wider

his acquaintance with contemporary events, the more care must he exercise that he give no sign of sympathy or aid or assistance that may seem to be an attempt to influence improperly the conduct of any one. The constitutional monarch stands at once in, and above, the history of his time, and he holds a peculiar and amazingly important relation to it. The constitutional monarchy, as we know it to-day, is substantially the creation of that august monarch, Queen Victoria, and of her son, King Edward VII.

"The reader of English history well knows how, during the long and distinguished reign of Queen Victoria, monarchy took its present place in the life of the English people, under strict political limitations, but with constantly expanding social and international influence. King Edward VII came to his post after long years of apprenticeship and of service at his mother's command and wish, and by her side; and during these nine short years of his reign there has been opportunity enough and to spare for the exercise of those qualities of mind and person that he possessed.

"It was my fortune three years ago to be present in Germany at a time when excited and extreme men on every hand were doing their best to bring two great and friendly interdependent peoples to the verge of strife. I witnessed the arrival among the German people of King Edward; I saw something of the acts of gracious courtesy and kindness and consideration and genuine pacification that he did and made; and I was happy indeed to witness their almost instantaneous effect. The tension was relieved, not by declarations, not by a formal policy, not by a treaty, but by the force and example of a kindly and highly responsible personality. To have done that once would be important in our modern history; to have done it more than once, as King Edward did, gives him, richly earned, the title of the Peace-maker of his day and generation.

"He has passed away at a time when his tact and skill and knowledge of England were sorely needed at home. One cannot read the final story of his illness and death, as related this morning over the signature of his attending physicians, without realizing that his death, coming all too soon, was hastened by his anxiety for his people's welfare, and by his wish to do what he could, properly and well, to compose sharp political differences, and to maintain the best traditions of English public life. We do not realize how hard a thing it is to stand apart from these movements and tendencies and struggles, any yet to try to understand them, in appropriate ways to guide them, and, when the time comes, to compose them. It is a great constitutional monarch who can do that thing.

"Three times within the memory of many of us our own nation has found itself stricken with sorrow and humiliation because we have lost a beloved president by act of violence. Each time the first hand to be stretched out to us in sympathy, the first kindly and comforting word to come, has been flashed under the ocean or over the land in our own tongue by those beyond the sea and on this side of the Atlantic who speak it and love it. And so when the other day we were astonished at the sudden death of King Edward, it is not too much to say that the heart of the American people filled with sympathy for the stricken cousins who speak their speech. The flags that have been flying over this country at half-mast, the adjournment of the sessions of the Senate and the House of Representatives, the admirably phrased expressions of official feeling by the President and the Secretary of State, and by our Ambassador at the Court of St. James, have all been genuine and real indications of a feeling that is very wide and very deep.

"Mr. Gladstone coined for us a great Saxon phrase, when he told us, nearly forty years ago, that we were 'kin beyond the sea.' To-day we can use that phrase in offering our sympathy, in expressing our sorrow and in laying our tribute on the bier of the Constitutional Monarch of our 'kin beyond the sea,' and of all those great free peoples who depend upon them for their civil liberty, their peace and the perpetuity of their institutions."

Following President Butler's address, the Dean of Worcester read a portion of the English burial service, following it by a prayer and benediction. The service was then closed by the singing of "Lead Kindly Light."

APPENDIX C

The Pugsley Prize Essay Contest and the Winning Essay by Mr. George Knowles Gardner

(In 1908, Mr. Chester DeWitt Pugsley, then an undergraduate and now a post-graduate student in Harvard University, offered \$50 as a prize to be offered by the Lake Mohonk Conference for the best essay on international arbitration by an undergraduate student of an American college. The prize drew out fifty essays and was won by Mr. L. B. Bobbitt of Baltimore. A like prize of \$100 in 1909-10 drew out seventy-five essays. The winner, Mr. Charles Knowles Gardner, received the prize at the 1910 Conference. (See proceedings of the fifth session.) Mr. Gardner's essay, and an announcement of a similar prize of \$100 for next year, follow.—Ed.)

INTERNATIONAL ARBITRATION

The Outlook for a Great Court of Nations

PRIZE-WINNING ESSAY BY GEORGE KNOWLES GARDNER

On October 17, 1907, almost at the close of their deliberations, the members of the Second Peace Conference at the Hague unanimously voted to insert in the Final Act of the Conference the following recommendation: "The Conference calls the attention of the Signatory Powers to the advisability of adopting the annexed draft convention for the creation of a Judicial Arbitration Court and of bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the court."

The project thus laid before the powers outlines a court to be composed of permanent judges, having fixed salaries, and sitting in a body on each case presented,—in short, a tribunal very similar to the Supreme Court of the United States. It is the purpose of this paper to review briefly the events which led up to the recommendation of this court, to point out its salient features, and to show how its existence would tend to make international arbitration a more and more popular substitute for war.

The first Hague Conference of 1899 recognized the value of arbitration by temporary commissions, as then practiced, but it saw also that such commissions were all too rarely resorted to, and that the body of their decisions failed to expound any coherent system of international law. It was apparently with a view to remedying these defects that the conference instituted the Permanent Court of Arbitration at the Hague; to which each of the signatory powers contributed four competent judges. The convention establishing this court provided that, when two nations submitted a dispute to its decision, they should each select two arbitrators from the whole body of judges—these four judges to select a fifth as umpire—or else agree on some other way of establishing a special tribunal. The members of the tribunal so constituted were to be paid by the litigant nations and to decide any questions the latter might submit to them.

It will be observed that this arrangement did not change the essential nature of the arbitral commission. It merely offered to nations at variance the opportunity to choose judges bearing a sort of guarantee from the world at large, whose award would enjoy the prestige of a decision of an international court.

The court produced no marked improvement in international relations. Of the four cases brought before it in the years 1899-1907, three resulted from financial claims of private citizens, and none were of such a character as to make arbitration more than usually difficult. Meanwhile the really serious controversies in the Far East, precipitated by the Boxer rebellion, were allowed to go from bad to worse till they terminated in a great and costly war. It was not clear that the Hague Court had promoted the practice of arbitration.

No one was more keenly alive to the shortcomings of the so-called Permanent Court than Secretary Root; and it was in accordance with his instructions that the American delegation presented to the Second Peace Conference a plan for a really permanent international tribunal. After prolonged debate, the conference finally adopted a scheme offered jointly by the English, American, and German delegations, but was unable to decide upon a method for selecting the judges. The difficulty arose because, while all agreed that an efficient court could not contain more than seventeen members, few of the forty-four nations represented were willing to relinquish the right to appoint a judge. As a result, the conference did not put the project in the form of a regular convention, but recommended a carefully drawn plan to the powers in the hope that they could agree upon some scheme of representation.

The plan was laid before the nations of the world under the title, "Draft Convention Relative to the Creation of a Judicial Arbitration Court." This convention provides for a body of judges chosen for a twelve-year term and eligible for reappointment. The judges must, in the words of the convention, be either qualified to hold "high judicial offices" in their respective countries or be "jurists of well-known competency in matters relating to international law." They are each to receive an annual salary of approximately \$2,400—besides \$40 a day while sitting and travelling expenses—from the International Bureau at the Hague; and may receive rewards for their services on the court from no other source. In order to further insure the impartiality and judicial character of the court, members are forbidden to appear as agents or advocates before any international tribunal, of whatever nature, or to sit on a case in which they have previously passed judgment in any other court. The whole body of judges meets every year, on the third Wednesday in June and sits until it has disposed of all pending business.

In order to facilitate business and render the court more accessible, the judges are directed to elect three of their number annually as a special delegation to represent them at the Hague during the year. This delegation is empowered to dispense with the annual session of the full court, if no business is pending; to call an extraordinary session; to act as a commission of inquiry; or to sit as a tribunal of arbitration, in case the parties desire to try their case before it by summary procedure. Finally, it is authorized to draw up the "compromis," or preliminary agreement defining the issues of any case submitted to the court, unless one of the litigants expressly or impliedly withdraws this matter from its jurisdiction. No member of the delegation can act in any case in which his own country, or the power which appointed him, is involved, but must withdraw in favor of an alternate. On the other hand, each party to the dispute has

the right to designate an additional judge to sit with the delegation and take part in its decisions. Unless the case is one of pure inquiry, the additional judge must be a member of the court. In most cases the exercise of this right ought to be entirely unnecessary; but occasions might easily arise—especially if the delegation merely inquires into facts—where the appointment of a naval officer or other expert by each of the powers at variance would materially add to the value of the decision.

To an American there would seem to be no valid objection which could be entered against the establishment of this Court; nevertheless, there were those at the Hague Conference who expressed a decided preference for the old Permanent Court of 1899. It behooves us, then, to discover just what are the faults inherent in arbitration by temporary commission and to determine, if possible, whether the plan just presented avoids them.

The principle of international arbitration has, perhaps, never achieved a more signal triumph than it did in the Venezuelan arbitration of 1903, and yet no better case could be selected to exhibit the serious shortcomings of the present method. Late in 1902, Great Britain, Germany, and Italy united in an attempt to collect for their citizens certain money claims against Venezuela, by blockading her ports and seizing her warships. Upon this the Venezuelan government commissioned Mr. Bowen, then United States minister at Caracas, to arrange for the arbitration of the claims submitted by the different powers, on as favorable terms as possible. This Mr. Bowen proceeded to do. He refused, however, to submit his case to The Hague, and in a telegram to Secretary Hay, dated December 20, 1902, he stated his reasons. In his opinion, arbitration at The Hague would be altogether too slow and expensive, and he even went so far as to say that he might decide, in the interests of Venezuela, to accept at once and in full the ultimatums of the three blockading powers, rather than resort to that tribunal. Finally, however, through the influence of the American government, England, Germany, and Italy joined the United States in agreeing to submit their respective claims to as many mixed commissions, each composed of the two representatives of the contending parties, together with an umpire.

It should not be supposed, however, that the enlightened European nations, who thus resorted to arbitration to settle their disputes, entrusted these mixed commissions with the task of passing upon the validity of every claim or of settling every debatable point. Not at all. The German-Venezuelan protocol made the following important provision; "Article II. The German claims originating from the Venezuelan civil wars of 1898 to 1900 amount to 1,718,815.67 bolivars. The Venezuelan government undertakes to pay of said amount immediately in cash the sum of £5,500 and the rest as stipulated in bills." The Italian protocol was similar, Great Britain being only slightly more liberal. The treaties do not indicate a high regard for the fairness and wisdom of the mixed commissions to which the remaining claims were to be submitted.

The commissions set to work to hear and decide the various claims, but their work was disconnected and their decisions sometimes conflicted. For instance, Venezuela frequently set up the defence that claimants, in making contracts with the government, had agreed not to take dispute arising from such contracts outside of the Venezuelan courts. Mr. Plumley, umpire of the British, and Mr. Ralston, umpire of the Italian claims commission, held that this was not a valid defense, while Dr. Harry Barge, umpire of the American commission,

decided, in the case of the Orinoco Steamship Company, that it effectually barred a large part of the company's claim. Thus was international law bemuddled rather than elucidated, and the outcome of future arbitrations made doubtful rather than certain.

Finally, the United States, being aggrieved—perhaps justly—by the decision in the Orinoco Steamship Company case just mentioned, demanded, on the strength of numerous precedents, the reopening of the entire case. The cause of arbitration can hardly fail to suffer if the opinion prevails that an arbitral decision can be set aside on any ground whatever except in case of the full consent of both parties or in pursuance of an agreement made before the award.

The faults of the Venezuelan mixed claims commissions are not, of course, the faults of the Hague Court, but there is little in the constitution of that court to make it more trusted, more consistent, or more respected in its decisions than any temporary board of arbitrators. When the dispute between Japan and Great Britain, Germany, and France, known as the Japanese House Tax Case, was decided by a tribunal composed of three members of the Hague Court, the Japanese member, by expressing his entire dissent, destroyed much of the value of the decision. Again, in the Casablanca dispute between France and Germany, which was, indeed, more than usually delicate, the court, although it gave a unanimous decision, supporting France on almost every point, pronounced it in such guarded and diplomatic language as to somewhat obscure the principles involved. The most natural inference is that the careful tempering of the award was the price of the concurrence of the German commissioner. At all events, to have her contentions sustained in such half-hearted language as that used by the court must have been far from satisfactory to France. It is in view of just such decisions that a nation must hesitate to bring the most righteous cause before a mixed commission or temporary tribunal when it believes that the award involves its vital interests or its national honor.

It would seem, then, that the faults of international arbitration as now practised are two; untrustworthiness, arising from the confusion of its law and the non-judicial character of its decisions; and inaccessibility, arising from the difficulty of arranging the preliminaries for a trial. The framers of the Draft Convention put forth every effort to make the Judicial Arbitration Court accessible and trustworthy. How well have they succeeded?

The impartiality of a really permanent court must depend, to a large extent, on the method of selecting the judges. That method the last Hague Conference was unable to decide. For the rest, it gave the judges a twelve-year tenure, insured their financial independence, and forbade them ever to appear as special pleaders for any nation, or to sit on a case which they had previously helped to decide. No member of the court need come to his duties with a mind prejudiced in advance, or relying for his future livelihood on the favor of any nation or its people. The position of the member of a temporary tribunal who must look for his support to a government position or employment in his profession is far more difficult. As to the intellectual competence of the judges, there can be no doubt that more care will be exercised in choosing the members of a permanent international court than is now used in selecting the arbitrators on a temporary tribunal, and that seats on the court will be more desired by men of the highest professional ability.

The size of the court, moreover, should not be forgotten in judging the probable impartiality and reliability of its decisions. Prejudices and errors in reasoning which might sway the majority of a

tribunal of three, or even five members, will be far less likely to prevail in a court of seventeen. Finally, the long terms of the judges will give stability to the court and coherence to its decisions so that, as precedents accumulate, international law will be strengthened and nations will become confident that their disputes will be decided on definite principles of law, rather than on the theories of particular arbitrators. It is hard to see how the nations could ask for a more impartial or competent tribunal to settle their disputes than a court of seventeen judges, capable of filling "high judicial offices" in their respective countries, and chosen beforehand by the nations of the world.

The accessibility of the court is no less carefully guarded than is its trustworthiness. Besides requiring annual and extraordinary sessions of the full court, if necessary, the Draft Convention provides for a committee of three at the Hague, ready to act at a day's notice. This committee is endowed with one power of supreme importance, namely, that of drawing up the preliminary "compromis" in any case submitted to the court unless its right to do so is withdrawn by the arbitration agreement. The value of this power, in the hands of an impartial body of men, already organized and on the spot, can hardly be overestimated, as it presents an easy solution of a question which now offers endless opportunity for quarreling after the principle of arbitration has been accepted. For proof of this, it is enough to refer to the General Arbitration Treaty between the United States and Great Britain, which is typical of the many such treaties which this country has recently concluded with foreign powers. Article II of that treaty reads: "In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of its procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States by and with the advice and consent of the Senate thereof." Now our relations with England since the late seventies have been exceedingly pleasant, but of how much use would such an arbitration treaty be, if, in a crisis, either party did not sincerely desire arbitration? The unwilling nation could, without appearing to repudiate the treaty, higggle over the compromis until its opponent's patience was exhausted. On the other hand, if the delegation of the Judicial Arbitration Court stood ready to take up the matter, the reluctant power would find scant excuse for prolonging the difficulty. We have, then, in the Judicial Arbitration Court, a tribunal easy of access, thoroughly reliable, and calculated to build up a real system of international law. Can we expect that this court, if inaugurated, would attract cases which are now settled either by the fear of violence, or by open war?

If for no other reason, I believe that this court should be established for the benefit of the weaker nations. Venezuela secured arbitration in 1903 only through the friendly intervention of the United States, and now we ourselves are found forcing our own ideas of international justice on Nicaragua. Such things happen now because resort to arbitration is difficult, slow and expensive, and its possibility is not kept before the public mind. The constant pressure of an easily accessible court would make prompt arbitration very easy to ask and very hard to refuse.

That this would be the effect in cases where the weakness of one nation made it anxious to secure arbitration, I suppose is not seri-

ously denied; but inasmuch as it has been argued that two powerful and prosperous nations, in dispute about really vital matters, will prefer war to any mode of peaceful settlement whatever, it may be worth while to examine this contention in the light of historical facts. I believe it is a fact that no great war of the last half century was the result of a sudden wave of popular passion, but that each resulted from the prolonged irritation caused by a series of disputes. I believe it is a fact that, simply because these various disputes were never satisfactorily settled, the irritation increased until it resulted in an armed struggle. Space will not permit me to do more than glance at the causes of one of the greatest of modern wars, that between Russia and Japan.

To appreciate the great variety of the causes which brought about this conflict it is unnecessary to go further back than 1896. In that year, while Japan was trying to extend her influence in Korea and the pro and anti-Japanese parties were squabbling in Seoul, a small Russian force suddenly seized the capital and demanded timber and mining concessions of the government. Japan could do nothing except fight, and she was not prepared for that; hence she was obliged to agree to a treaty placing Russia on an equal footing with her in Korea. The treaty settled nothing, however. Russia attempted to get control of the Korean finances, and entered into a fresh agreement to leave the government alone, in April, 1898, only after seven British warships had visited Chemulpo.

Meanwhile difficulties were preparing in another quarter. In 1898 Germany forcibly took Kiao-Chau from China as an indemnity for the murder of two missionaries, and gave Russia the longed-for pretext for permanently occupying Port Arthur—something she never could have done, had not other European powers also had a free hand in despoiling China. Then, in 1900, came the Boxer rebellion, and the Russian occupation of Manchuria. A long discussion followed between Russia, China, and the other powers, and finally, in April, 1902, Russia agreed, under pressure, to evacuate the province gradually, if China would keep order and protect the railway. According to the agreement, the Russian forces were withdrawn from southern Manchuria and, in the opinion of the British consul at Newchwang, the Chinese amply fulfilled their part of the contract. Nevertheless, the Russian troops presently halted, and in October, 1903, when they should have entirely left the province, they were still occupying by far the larger part of it; all this in the face of the helpless protests of England, China, and Japan. Finally, late in 1903, the Russians crossed the Yalu, and began timber-cutting in Korea, unwarranted—so the Japanese claimed—by their treaty concessions. It was at this point that Japan terminated negotiations and resorted to war. To summarize: in 1896 Russia forcibly entered Korea; in 1897-98 she quarrelled with Japan over the management of the Korean government; in 1898, on the pretext of similar brigandage by Germany, she took Port Arthur from China; in 1903 she refused—in the opinion of England, China, and Japan—to fulfil her treaty obligations regarding Manchuria; in 1903 she quarrelled with Japan over her rights on the Yalu.

Here are five points, four distinctly preceding the final clash, at which an arbitral tribunal might have settled the disputes which were the direct causes of the war. Why were these opportunities not seized upon? Simply because the effective machinery was not at hand. In every one of the cases cited some power, Japan, Russia, Korea, certainly China, should have been glad to submit its case to an impartial court; but such a court was not immediately acces-

sible, hence the nations who preferred force to argument were able to follow their inclinations without incurring the moral condemnation of the world. Meanwhile Japan and China submitted to what they conceived to be injustice because they had no alternative beyond submission or war; and by each submission the situation was aggravated and not relieved. A study of the causes of any recent war will show a broadly similar situation. It is some minor difficulty long agitated, that grows into a bitter dispute. An open and trustworthy international court will tend to bring about a fair settlement of future difficulties, long before the war spirit has been aroused.

We are now in a position not only to see the true usefulness of the projected court, but also to realize that its permanent salaried judges are not likely to suffer for want of work. The network of international relations which now keeps a large body of foreign ministers at every capital constantly produces disputes which diplomacy compromises, but does not often adjudicate. The tendency of diplomatic negotiation is to allay difficulties but not to remove their causes. Once the thorough reliability of the projected court is established, many cases will be laid before it which are now the subject of long and unsatisfactory negotiations and nations will assert their claims without fear of destroying friendly relations.

There is but a single serious obstacle to the establishment of the Judicial Arbitration Court at the next Hague Conference. No agreement has yet been reached as to the method of selecting the judges. I shall sketch two of the plans proposed, leaving the reader to decide for himself which is the more likely to secure a competent, impartial, and trusted court. The first is the method used in constituting the International Prize Court. Each of the eight leading world powers appoints a judge to sit for the full term, which, in case of the Prize Court, is six years. The judge appointed by one power sits for four of the six years, that of another for three. Thirteen powers appoint judges to sit for two years of their term, and nine nations are represented for one year each. The court thus has a constant membership of fifteen active judges, eight of whom sit for the full term. If, at the time of any trial, a nation party to the war out of which the case arises, is not represented, it may demand that one of the short-term judges, chosen by lot, be removed from the bench, and substitute its own judge in his place. An analogous provision might or might not be adopted in the case of a court of arbitration.

The other method of selection is one proposed by the American delegation at the Hague, but not accepted. The plan is simply that each of the forty odd signatory powers shall nominate a candidate, and that from this list of nominees each nation shall vote for fifteen, or seventeen, or whatever may be the number of judges to be selected. The fifteen or seventeen receiving the largest number of votes shall constitute the court for the next twelve years. Other methods have been proposed, but these two are the most promising.

Here the whole question now rests. It is not supposed that any international court, however perfect, can completely abolish war, any more than a system of municipal courts can prevent an occasional fist fight or riot. It is claimed that the Judicial Arbitration Court as projected is more accessible and more trustworthy than any international tribunal yet devised. Resort to it is not compulsory, nor does it supplant the present "Permanent Court" at the Hague, but if the foregoing estimate of its value be correct, it will attract an ever-increasing number of cases, and by settling these as they arise, will tend to remove the causes of future wars. It remains only

for the nations of the world to agree upon a method of election ensuring a competent, impartial, and representative court to found an institution which will exert an unceasing influence for peace and justice in international relations.

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ANNOUNCEMENT OF THIRD PUGSLEY PRIZE

The Lake Mohonk Conference on International Arbitration offers a prize of one hundred dollars for the best essay on "International Arbitration" by an undergraduate student of any American college or university.

Donor of the prize, CHESTER DEWITT PUGSLEY of Peekskill, N. Y.; Harvard '09.

Judges, Hon. ELMER ELLSWORTH BROWN, United States Commissioner of Education; Hon. JOSEPH B. MOORE, Justice of the Supreme Court of Michigan. (A third judge to be announced.) •

Contest closes March 15, 1911.

Conditions of the contest: For the purposes of this contest the term "International Arbitration" may be held to include any subject specifically treated in the "Conventions for the Pacific Settlement of International Disputes" adopted by the

first and second Hague Conferences or in the "Draft Convention Relative to the Creation of a Judicial Arbitration Court" agreed to at the second Hague Conference.

The term "undergraduate student" applies only to one who, in a college or scientific school, is doing the work prescribed for the degree of bachelor, or its technical equivalent.

Essays must not exceed 5,000 words (a length of 3,000 words is suggested as desirable) and must be written, preferably in typewriting, on one side only of plain paper (ruled or unruled) of ordinary letter size ($8 \times 10\frac{1}{2}$ inches), with a margin of at least $1\frac{1}{4}$ inches. Manuscripts not easily legible will not be considered.

The name of the writer must not appear on the essay, which should be accompanied by a letter giving the writer's name, class, college and home address, and sent to H. C. Phillips, Secretary Lake Mohonk Conference, Mohonk Lake, N. Y., to reach him not later than March 15, 1911. Essays should be mailed flat (not rolled).

The award of the prize will be made at the meeting of the Lake Mohonk Conference, in May, 1911, to which the winner will receive an invitation.

For additional information, references, etc., address the Secretary of the Conference.

A similar prize of one hundred dollars in 1909-10 brought out seventy-five essays from colleges in all parts of the country. The prize was won by Mr. CHARLES KNOWLES GARDNER, of Worcester, Mass., a Sophomore in Harvard University. Mr. Gardner's essay is printed immediately preceding this announcement. Honorable mention was made of Mr. FRANK B. OBER and Mr. HUGO WENDEL of Princeton, Mr. ALEXANDER GREEN of the College of the City of New York and Mr. WILLIAM H. IRVINE of the University of Rochester.

APPENDIX D

Draft Convention Relative to the Creation of a Judicial Arbitration Court Adopted by the Second Hague Conference

(Pages 67 to 96 of this report are devoted to discussion of the international court of arbitral justice for which the second Hague Conference laid careful plans and which failed of establishment only for lack of agreement as to the apportionment of judges. For convenient reference, there is here reprinted the Draft Convention for the establishment of such a court adopted by the second Hague Conference in 1907, to which Convention the Conference called the attention of the nations in the following "opinion."—Ed.)

"The conference calls the attention of the signatory powers to the advisability of adopting the annexed draft convention for the creation of a Judicial Arbitration Court, and of bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the court."

DRAFT CONVENTION RELATIVE TO THE CREATION OF A JUDICIAL ARBITRATION COURT*

*Reprinted from "Texts of the Peace Conferences at The Hague, 1899 and 1907," edited by James Brown Scott, Ginn & Co., 1908.

Part I.—Constitution of the Judicial Arbitration Court

Article 1

With a view to promoting the cause of arbitration, the contracting powers agree to constitute, without altering the status of the Permanent Court of Arbitration, a Judicial Arbitration Court, of free and easy access, composed of judges representing the various juridical systems of the world, and capable of ensuring continuity in jurisprudence of arbitration.

Article 2

The Judicial Arbitration Court is composed of judges and deputy judges chosen from persons of the highest moral reputation, and all fulfilling conditions qualifying them, in their respective countries, to occupy high legal posts, or be jurists of recognized competence in matters of international law.

The judges and deputy judges of the court are appointed, as far as possible, from the members of the Permanent Court of Arbitration. The appointment shall be made within the six months following the ratification of the present convention.

Article 3

The judges and deputy judges are appointed for a period of twelve years, counting from the date on which the appointment is notified to the Administrative Council created by the convention for the pacific

settlement of international disputes. Their appointment can be renewed.

Should a judge or deputy judge die or retire, the vacancy is filled in the manner in which his appointment was made. In this case, the appointment is made for a fresh period of twelve years.

Article 4

The judges of the Judicial Arbitration Court are equal and rank according to the date on which their appointment was notified. The judge who is senior in point of age takes precedence when the date of notification is the same.

The deputy judges are assimilated, in the exercise of their functions, with the judges. They rank, however, below the latter.

Article 5

The judges enjoy diplomatic privileges and immunities in the exercise of their functions, outside their own country.

Before taking their seat, the judges and deputy judges must swear, before the Administrative Council, or make a solemn affirmation to exercise their functions impartially and conscientiously.

Article 6

The court annually nominates three judges to form a special delegation and three more to replace them should the necessity arise. They may be re-elected. They are balloted for. The persons who secure the largest number of votes are considered elected. The delegation itself elects its President, who, in default of a majority, is appointed by lot.

A member of the delegation cannot exercise his duties when the power which appointed him, or of which he is a national, is one of the parties.

The members of the delegation are to conclude all matters submitted to them, even if the period for which they have been appointed judges has expired.

Article 7

A judge may not exercise his judicial functions in any case in which he has, in any way whatever, taken part in the decision of a national tribunal, of a tribunal of arbitration, or of a commission of inquiry, or has figured in the suit as counsel or advocate for one of the parties.

A judge cannot act as agent or advocate before the Judicial Arbitration Court or the Permanent Court of Arbitration, before a special tribunal of arbitration or a commission of inquiry, nor act for one of the parties in any capacity whatsoever so long as his appointment lasts.

Article 8

The court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority and, in case the votes are even, by lot.

Article 9

The judges of the Judicial Arbitration Court receive an annual salary of 6,000 Netherland florins. This salary is paid at the end of each half year, reckoned from the date on which the court meets for the first time.

In the exercise of their duties during the sessions or in the special cases covered by the present convention, they receive the sum of 100 florins per diem. They are further entitled to receive a traveling allowance fixed in accordance with regulations existing in their own country. The provisions of the present paragraph are applicable also to a deputy judge when acting for a judge.

These emoluments are included in the general expenses of the court dealt with in article 31, and are paid through the International Bureau created by the convention for the pacific settlement of international disputes.

Article 10

The judges may not accept from their own government or from that of any other power any remuneration for services connected with their duties in their capacity of members of the court.

Article 11

The seat of the Judicial Court of Arbitration is at The Hague, and cannot be transferred, unless absolutely obliged by circumstances, elsewhere.

The delegation may choose, with the assent of the parties concerned, another site for its meetings, if special circumstances render such a step necessary.

Article 12

The Administrative Council fulfills with regard to the Judicial Court of Arbitration the same functions as to the Permanent Court of Arbitration.

Article 13

The International Bureau acts as registry to the Judicial Court of Arbitration, and must place its offices and staff at the disposal of the court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the Bureau discharges the functions of registrar.

The necessary secretaries to assist the registrar, translators and shorthand writers are appointed and sworn in by the court.

Article 14

The court meets in session once a year. The session opens the third Wednesday in June and lasts until all the business on the agenda has been transacted.

The court does not meet in session if the delegation considers that such meeting is unnecessary. However, when a power is party in a case actually pending before the court, the pleadings in which are closed, or about to be closed, it may insist that the session should be held.

When necessary, the delegation may summon the court in extraordinary session.

Article 15

A report of the doings of the court shall be drawn up every year by the delegation. This report shall be forwarded to the contracting powers through the International Bureau. It shall also be communicated to the judges and deputy judges of the court.

Article 16

The judges and deputy judges, members of the Judicial Arbitration Court, can also exercise the functions of judge and deputy judge in the International Prize Court.

Part II.—Competency and Procedure.

Article 17

The Judicial Court of Arbitration is competent to deal with all cases submitted to it, in virtue either of a general undertaking to have recourse to arbitration or of a special agreement.

Article 18

The delegation is competent:

1. To decide the arbitrations referred to in the preceding article, if the parties concerned are agreed that the summary procedure, laid down in Part IV, chapter 4, of the convention for the pacific settlement of international disputes is to be applied;

2. To hold an inquiry under and in accordance with Part III of the said convention, in so far as the delegation is intrusted with such inquiry by the parties acting in common agreement. With the assent of the parties concerned, and as an exception to article 7, paragraph 1, the members of the delegation who have taken part in the inquiry may sit as judges, if the case in dispute is submitted to the arbitration of the court or of the delegation itself.

Article 19

The delegation is also competent to settle the compromis referred to in article 52 of the convention for the pacific settlement of international disputes if the parties are agreed to leave it to the court.

It is equally competent to do so, even when the request is only made by one of the parties concerned, if all attempts have failed to reach an understanding through the diplomatic channel, in the case of—

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, providing for a compromis in all disputes, and not either explicitly or implicitly excluding the settlement of the compromis from the competence of the delegation. Recourse cannot, however, be had to the court if the other party declares that in its opinion the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the compromis should be settled in some other way.

Article 20

Each of the parties concerned may nominate a judge of the court to take part, with power to vote, in the examination of the case submitted to the delegation.

If the delegation acts as a commission of inquiry, this task may be intrusted to persons other than the judges of the court. The traveling expenses and remuneration to be given to the said persons are fixed and borne by the powers appointing them.

Article 21

The contracting powers only may have access to the Judicial Arbitration Court set up by the present convention.

Article 22

The Judicial Court of Arbitration follows the rules of procedure laid down in the convention for the pacific settlement of international disputes, except in so far as the procedure is laid down in the present convention.

Article 23

The court determines what language it will itself use and what languages may be used before it.

Article 24

The International Bureau serves as channel for all communications to be made to the judges during the interchange of pleadings provided for in article 63, paragraph 2, of the convention for the pacific settlement of international disputes.

Article 25

For all notices to be served, in particular on the parties, witnesses, or experts, the court may apply direct to the government of the state on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests addressed for this purpose can only be rejected when the power applied to considers them likely to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The court is equally entitled to act through the power on whose territory it sits.

Notices to be given to parties in the place where the court sits may be served through the International Bureau.

Article 26

The discussions are under the control of the President or Vice-President, or, in case they are absent or cannot act, of the senior judge present.

The judge appointed by one of the parties cannot preside.

Article 27

The court considers its decisions in private, and the proceedings are secret.

All decisions are arrived at by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge, in the order of precedence laid down in article 4, paragraph 1, is not counted.

Article 28

The judgment of the court must give the reasons on which it is based. It contains the names of the judges taking part in it; it is signed by the President and registrar.

Article 29

Each party pays its own costs and an equal share of the costs of the trial.

Article 30

The provisions of articles 21 to 29 are applicable by analogy to the procedure before the delegation.

When the right of attaching a member to the delegation has been exercised by one of the parties only, the vote of the member attached is not recorded if the votes are evenly divided.

Articles 31

The general expenses of the court are borne by the contracting powers.

The Administrative Council applies to the powers to obtain the funds requisite for the working of the court.

Article 32

The court itself draws up its own rules of procedure, which must be communicated to the contracting powers.

After the ratification of the present convention the court shall meet as early as possible in order to elaborate these rules, elect the President and Vice-President, and appoint the members of the delegation.

Article 33

The court may propose modifications in the provisions of the present convention concerning procedure. These proposals are communicated through the Netherland Government to the contracting powers, which will consider together as to the measures to be taken.

Part III.—Final Provisions

Article 34

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A proces-verbal of the deposit of each ratification shall be drawn up, of which a duly certified copy shall be sent through the diplomatic channel to all the signatory powers.

Article 35

The convention shall come into force six months after its ratification.

It shall remain in force for twelve years, and shall be tacitly renewed for periods of twelve years, unless denounced.

The denunciation must be notified, at least two years before the expiration of each period, to the Netherland Government, which will inform the other powers.

The denunciation shall only have effect in regard to the notifying power. The convention shall continue in force as far as the other powers are concerned.

APPENDIX E

The Jacksonville Board of Trade Essay Contest

REMARKS OF MR. W. A. BOURS

(The following remarks are printed under the special rule referred to in Appendix B, IV. It should be added that similar contests were conducted by the Boards of Trade of Springfield, Mass., Hoboken, N. J. and Newark, N. J.—ED.)

Last year when I attended this Conference, I stated that I would recommend to our Board of Trade in Jacksonville, Florida, that they offer a cash prize of twenty-five dollars to the students of our High School for the best essay on "International Arbitration as the Best Means of Settling Disputes Between Nations." This recommendation was adopted, and the matter was put in the hands of the Committee on Education of the Board of Trade who adopted rules and regulations governing the contest. Twelve essays were submitted and passed upon by three Judges, who unanimously awarded the prize to No. 6 as being the most deserving. Several others were entitled to special mention, and the number of students competing shows the keen interest aroused on this momentous subject.

In place of any extended address on my part I wish to submit a copy of the winning essay and ask that, under the special rule adopted by the meeting of business delegates, it be incorporated in the proceedings of the Conference.

INTERNATIONAL ARBITRATION AS THE BEST MEANS OF SETTLING DISPUTES BETWEEN NATIONS.

(Essay by HAROLD MARVIN, aged 16, a Senior in the Duval High School of Jacksonville)

"It is coming yet for a' that,
For man to man the world o'er
Shall brothers be for a' that."

The costliest stain which ever spotted the unblemished surface of a priceless manuscript is the bath of human blood in which the pages of the world's history are steeped and dyed. The first sin which man committed was the obtaining of the knowledge of good and evil; the second, murder. And thus it has continued through the countless ages darkened by strife and warfare; man's knowledge of good and evil, or of right and wrong, has done nothing to stop his bloodshed. Our own republic, the fairest of earth, was conceived in strife, and brought forth in tribulation. The very sands upon which we tread are dyed in blood's indelible stain; the waters which lick our shores are forever colored by it. And is it at such a price that man has purchased civilization and so-called peace? It is even greater, for the peace we enjoy is apt at any moment to be rudely broken; we are apt to be harshly reminded at any moment that the monster, War, is still at large among us. Man has indeed accomplished much in his gradual rise from barbarism; much that was evil and disgraceful has been banished, but War still remains to stain the sands of Time, and refute his claim to civilization.

Shall things continue thus in the years to come? Shall war, with all its horrors, be allowed to remain as a reproach to humanity, or shall it be effaced forever, to be succeeded by International Arbitration? Shall we have universal peace, or international war; perfect safety, or habitual fear; complete happiness, or perfect misery? There is but one question which faces us, and it is uncompromising, it is insistent, it demands settlement in a voice which must be obeyed:—Shall we have Peace or War?

How much has war done to promote man's welfare and happiness? Ask history. War never has and never will be followed by anything but the most profound misery and deepest sorrow. Every battle that was ever fought has left some poor mother childless, some poor father heartbroken, some poor child fatherless, and some poor wife a widow. Even though we may not number among these any of our own kindred, can we have true peace or happiness if purchased at such a fearful cost? If we can, it is time that we ourselves be placed in the front line of the bullet-swept ranks, and die as befitting a patriot, rather than live to burden others with our existence under such ideals and such beliefs.

What has war ever done to uplift a nation? In one sense, much; in another sense, less than nothing. War has been the means of elevating nations to prominence and wealth for a time, but there inevitably comes another champion to fatten on the spoils of the victor, and then defeat is doubly humiliating. War has been as lasting as existence itself, but its conquests are ever but temporary and fading. To what effect did Alexander conquer the world with the sword? It was but to lose it. To what effect did Rome become mistress of the earth? It was but to be subdued in her turn by another. And so all of history is but a series of conquests and re-conquests; simply a wasting of life in the support of a nation's challenge—for a conquest is virtually a challenge to other nations to molest the territory subdued.

But far from uplifting a nation in another way, it drags it down to the very depths of all that is lowest and vilest. For War—that God of man's passions—accepts as sacrifices only the strong, the brave, the upright, the noble, the manly, and leaves the weak, the cowardly, the injured, the lowest classes of a country's sons (so-called) as progenitors of the race. Is it possible for a nation to maintain its standards, its ideals, and its position under such conditions.

Man is by instinct a fighting animal. The cruel, unchangeable law of the universe, the law of the survival of the fittest, has made him so, and it requires only the sight of blood and the sound of battle to make him again an animal, a beast. Only war can bring to the surface all his baseness, his primeval passions, his hatred, his greed. We need but war, and hand in hand with it comes destruction—destruction of all that is elevating and pure and ennobling, of happy childhood and innocent womanhood.

It was not Time alone that robbed us of the "glory that was Greece, and the grandeur that was Rome," it was not Time alone that deprived us of the Alexandrian Library. It was War. War has reduced the history of art to the history of wrecks and fragments. It has swallowed up all but a mere handful of the wonderful works of a thousand generations; and left us poor indeed.

The life of a nation is founded on commerce. It is one of the primal laws of existence. The first law of the universe after that of self-preservation was the law of exchange. And exchange is commerce. Then the commerce of a nation cannot be crippled without injury to its life. Does not war cripple commerce? Eventually it does in every case. For a time business is increased on account of the need of supplies by the combatants, but after the conclusion of the war, commerce practically ceases and ruin stares some one in the face.

And what is war that it should be allowed to destroy our happiness, our ideals, our works of art and beauty, our very existence, and threaten our posterity? We make haste to answer: "A means of executing justice." But is it? Is not war simply a suspension of justice among the warring nations? We dress a man in particular garments, call him by a particular name, and he has authority to commit every species of offense; to pillage, to destroy human felicity, and for so doing he is praised and rewarded.

Then what is the excuse for the existence of such a thing as war? Some maintain that it develops courage. This means physical courage only, the highest type of which is found in the lowest stages of manhood, and in animals. And even if it does, is increase of courage any excuse for such carnage and destruction? Some will maintain that war is necessary to uphold a nation's honor and dignity. As for the honor of a nation—that can never be hurt by any other nation; all of Honor's wounds are self-inflicted. And as for the dignity of a nation—certainly it is more befitting to the dignity of a princely ruling people to act in the interest of universal mankind than to assist in a work of horror and destruction.

It is impossible that war should ever produce peace. "For what can war but endless wars still breed?" Why, then, do we not try some other means. We reply that there is no other. But is there not? Have we no reason to believe that International Arbitration will most effectively take the place of war, with none of its horrors and cruelties? There is certainly no reason to believe otherwise. Yet some object. They hold that as a nation is only an individual in the aggregate, a nation will be characterized by the same traits that mark the character of an individual, and that therefore claims will be presented to the Court of Arbitral Justice which are unreasonable, dishonoring, or baseless. That any nation would present such a claim, or that the Court would not promptly decide against it if it were made, is purely imaginary. But pressing the argument regarding the similarity of the nation and the individual a little farther, we find that a man in dispute with another is never allowed to sit as a judge on his own case. Such a thing would be preposterous. But do not nations judge their own case when they declare war against another for not coinciding in their views? The very law of individual existence depends upon the settlement of differences by non-interested parties, and the law of national and international existence depends upon the same thing. In other words, the one way,—the only way,—to insure the future safety, happiness and progress of the world, is through International Arbitration. "But," object some, "all nations cannot submit their questions to such a Court." It has been already done by several nations, and it can certainly be done now, unless we are progressing backward.

And there is still another plea for International Arbitration—the all-powerful plea of Mercy. It would be an act of mercy that would touch the hearts of generations yet unborn, if war could be blotted from the earth. It would be merciful to fathers and mothers; to sisters and brothers; to husbands and wives; and we, in conferring this blessing, could not ourselves go unblest.

"The quality of mercy is not strained,
It droppeth as the gentle rain from Heaven
Upon the place beneath; it is twice blessed:
It blesseth him that gives and him that takes."

The victories of war can never be enduring; the victories of peace endure until life itself shall cease to be, and the world is swallowed into oblivion. Great objection is made to the plan of arbitration on the ground that there is no power to enforce its laws. But there is a power behind it far greater than armies or navies, than gunpowder or dynamite—the power of international honor and truth. But even were there none, there is none needed. The existence of our present international law is upheld by no material force. It is an example of the supreme force of gentleness, the irresistible pressure and final triumph of what is just and merciful.

Shall we settle our disputes by war, or shall we settle them by arbitration?

We are to-day in the noontide fullness of a nation's maturity; at the summit of glory's peak; crowned with happiness and prosperity beyond all other people of the earth. Let us

execute our work while in our maturity, before "the evil days draw nigh;" let us leave unspotted and unsullied the white robes of glory in which our nation's name is enwrapped; let us insure the happiness and prosperity, the honor and faith, which are ours to those dear loved ones who shall follow us. But how shall we do this? By using our utmost influence for the fulfillment of that dream of a World Court—an agent for the preservation and peace of the world. We have been blessed as no other country of the earth in many ways, but we are more than blessed in having entrusted to us the creation of such a court. For America is best fitted to take the lead in this, as she has in so many of the world's important movements. It is a privilege—nay, it is a sacred obligation—a duty laid upon our shoulders, to remove the curse of war from the earth. Let us be true to our heavenly birth, and make this the world seen by the prophetic eye of the poet:—

"When the war-drum throbs no longer, and the battle-flags are furled
In the Parliament of men, the Federation of the world."

"Peace on earth," next to "Glory to God in the highest," was the greeting of hope and the message of cheer from Heaven to Earth in the most solemn and most glorious hour of the world's history. "Man in his weakness is the creature of circumstances; man in his strength is the creator of circumstances." Then let us be strong,—masters of our destinies, and moulders of the destinies of our succeeding generations. For we have it in our power to hasten the day when we "shall brothers be for a' that," and when "nation shall not lift up sword against nation, neither shall they learn war any more."

"Down the dark future, through long generations,
The echoing sounds grow fainter, and then cease.
And like a bell, with solemn sweet vibrations
I hear once more the voice of Christ say: 'Peace.'"

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